

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO

1999 OCT 21 PM 1:08

JAMES R. HANSPEAKER  
CLERK

CRIMINAL NO. 99-CR-370 **WM**

UNITED STATES OF AMERICA

BY \_\_\_\_\_ DEP. CLK

Plaintiff

v.

JAMES R. CAMERON  
and  
THE CHEMINS COMPANY, INC.,

Defendants.

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**INDICTMENT**

(Conspiracy, 18 U.S.C. § 371;  
Obstruction of Agency Proceeding, 18 U.S.C. § 1505;  
False Statement to Federal Agency, 18 U.S.C. § 1001;  
Introducing Misbranded Foods Into Interstate Commerce, 21 U.S.C. §§ 331(a), 333(a)(2);  
Aiding and Abetting, 18 U.S.C. § 2)

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**INDICTMENT**

The Grand Jury for the District of Colorado charges:

**COUNT ONE**

At all times relevant to this Indictment:

1. a) **THE CHEMINS CO., INC. ("CHEMINS")** was a Colorado corporation with manufacturing facilities located in Colorado Springs, Colorado. **CHEMINS** was engaged in the manufacture, sale, and interstate distribution of dietary supplement products.

b) **JAMES R. CAMERON** was the President of **CHEMINS**, responsible for supervising **CHEMINS'** production and distribution of dietary supplements.

c) "Formula One" was a dietary supplement manufactured by **CHEMINS**, and was shipped for distribution to a multi-level marketing company based in Richardson, Texas.

From on or about December, 1992, until on or about sometime in June, 1994, Formula One's label stated that it was an "All Natural Nutritional Supplement." The label listed its ingredients as: "Ma Huang, Kola Nut, Ginger, White Willow, Ginkgo, Biloba, Bladderwrack, Fo-Ti, Hawthorn Berries, Saw Palmetto, Kola Nut Extract, Beet Powder, Chromium Picolinate, Chromium Proteinate, and Boron Proteinate."

d) As purchased and used by **CHEMINS**, Ma Huang powder, also known as ephedra powder, was a brown powder consisting of the herb ma huang, also known as ephedra, which had been dried and ground. Ma huang powder contained approximately 1% of a mix of naturally-occurring ephedrine. As purchased and used by **CHEMINS**, Ma Huang extract, also known as ephedra extract, was a brown powder that contained between 4% and 8% of naturally-occurring ephedrine. As purchased and used by **CHEMINS**, ephedrine hydrochloride was an almost clear crystalline substance that contained approximately 99% pharmaceutical-grade ephedrine.

e) Kola Nut powder, as purchased and used by **CHEMINS**, contained approximately 1% naturally-occurring caffeine. Caffeine anhydrous, as purchased and used by **CHEMINS**, was a white crystalline substance that contained approximately 100% pharmaceutical-grade caffeine.

f) The United States Food and Drug Administration ("FDA") was the agency of the United States government responsible for protecting the health and safety of the American public by ensuring, among other things, that food products did not contain any poisonous and deleterious substance that may render a food injurious to health, that the labeling of the products was not false or misleading, and that food labels listed all ingredients as required by law.

g) Under the authority of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §301 et seq., the FDA regulated the manufacture and distribution of dietary supplements as food for public consumption. Under the Federal Food, Drug & Cosmetic Act, a dietary supplement was misbranded if its labeling was false and misleading in any particular, and if the labeling failed to bear the common and usual name of each ingredient of the dietary supplement. 21 U.S.C. §§ 343(a) and 343(i).

h) The FDA was authorized by law to enter any factory, warehouse, and establishment in which dietary supplements were manufactured, processed, packed, and held in order to inspect such factory, warehouse and establishment and all pertinent equipment, finished and unfinished materials, containers and labeling therein. 21 U.S.C. § 374(a).

#### **The Conspiracy**

2. Beginning in or about November, 1992, and continuing thereafter until at least on or about January 20, 1995, the exact dates being unknown to the Grand Jury, in the State and District of Colorado and elsewhere,

**JAMES R. CAMERON  
and  
THE CHEMINS COMPANY, INC.**

did unlawfully, willfully, and knowingly conspire, combine, confederate, and agree with each other and with others known and unknown to the Grand Jury to defraud the United States by impeding, impairing, obstructing, and defeating the lawful government functions of the United States Food and Drug Administration in its administration of the Federal Food, Drug & Cosmetic Act and related regulations.

### Object of the Conspiracy

3. It was the object of this conspiracy that, in order to maximize **CHEMINS'** profits from the sale of dietary supplements, the conspirators evaded, defeated, and obstructed FDA's regulatory authority over the manufacture, labeling and distribution of **CHEMINS'** products, including Formula One.

### Manner and Means of the Conspiracy

4. It was part of this conspiracy that, in order to achieve higher levels of ephedrine than could be achieved with ma huang, and in order to save raw material costs, conspirators added ephedrine hydrochloride, a pharmaceutical-grade drug, to Formula One and other products, without listing that ingredient on the product labels.

5. It was further part of this conspiracy that, in order to achieve higher levels of caffeine than could be achieved with kola nut, and in order to save raw material costs, conspirators added caffeine anhydrous, a pharmaceutical-grade drug, to Formula One and other products, without listing that ingredient on the product labels.

6. It was further part of this conspiracy that **JAMES R. CAMERON** directed, and caused to be directed, coconspirators to create and maintain false manufacturing records for Formula One and other products, which falsely omitted the ingredients ephedrine hydrochloride and caffeine anhydrous. These manufacturing records were referred to by **CHEMINS'** employees as "shop orders," and consisted of various printed forms for each lot of product that was manufactured. The forms contained a list of ingredients, the quantities of each ingredient to be used, and directions for weighing ingredients, mixing and encapsulating the batch. The forms

were initialed and checked by the employees performing each manufacturing step. The shop orders omitted any listing of ephedrine hydrochloride and caffeine anhydrous. The addition of ephedrine hydrochloride was sometimes noted on a note attached to the shop order, and the codename "Ephedra Extract" was used. Caffeine anhydrous was listed on the shop order under the codename "Kola Nut Extract."

7. It was further part of this conspiracy that, when **CHEMINS** received shipments of the raw materials ephedrine hydrochloride and caffeine anhydrous, warehouse workers, at the direction of **JAMES R. CAMERON** and coconspirators, did not record the receipt of the shipments in warehouse receiving logs and did not fill out receiving forms for those products.

8. It was further part of this conspiracy that, when **CHEMINS** received shipments of the raw materials ephedrine hydrochloride and caffeine anhydrous, warehouse workers, at the direction of **JAMES R. CAMERON** and coconspirators, did not assign raw material lot numbers to the products.

9. It was further part of this conspiracy that, when **CHEMINS** received shipments of the raw materials ephedrine hydrochloride and caffeine anhydrous, coconspirators kept the invoices and receiving documents separately from those for other raw materials. At the direction of coconspirators, ephedrine hydrochloride and caffeine anhydrous were not entered into the computerized inventory that **CHEMINS** maintained for other raw materials.

10. It was further part of this conspiracy that, at the direction of **JAMES R. CAMERON**, coconspirators hid the ephedrine hydrochloride and caffeine anhydrous from FDA inspectors by moving it to a coconspirator's residence during an FDA inspection, and later by storing it in a rented commercial storage unit off the **CHEMINS'** premises.

11. It was further part of this conspiracy that coconspirators, including **JAMES R. CAMERON**, provided, and caused to be provided, false documents, including false warehouse receiving logs and shop orders, to FDA inspectors, and made, and caused to be made, false and misleading statements to FDA inspectors with the intent to hide the use of ephedrine hydrochloride and caffeine anhydrous from FDA.

12. It was further part of the conspiracy that coconspirators, including **JAMES R. CAMERON**, distributed and caused to be distributed dietary supplements in interstate commerce that were labeled "All Natural" but that contained ephedrine hydrochloride and caffeine anhydrous, and the labels of which did not list ephedrine hydrochloride and caffeine anhydrous as ingredients.

#### Overt Acts

In furtherance of the conspiracy, and pursuant thereto, the defendants performed, participated in, and did the following acts in the State and District of Colorado, among others:

1. In or about December, 1992, **JAMES R. CAMERON** directed a coconspirator to manufacture Formula One with ephedrine hydrochloride and caffeine anhydrous, in order to achieve approximately 12 mg/capsule of ephedrine and 25-30 mg/capsule of caffeine.

2. In or about December, 1992, **JAMES R. CAMERON** directed a coconspirator to use the names "ephedra extract" and "kola nut extract" on manufacturing records instead of the true names, ephedrine hydrochloride and caffeine anhydrous, respectively.

3. In or about December, 1992, **JAMES R. CAMERON** directed a coconspirator to not record the receipt of ephedrine hydrochloride and caffeine anhydrous in the warehouse receiving logs, and to not assign a lot number to those raw materials.

4. On or about the dates listed below, as part of a continuing course of conduct, coconspirators manufactured the Formula One lot numbers listed below using ephedrine hydrochloride and caffeine anhydrous, without recording their use on the shop order and on the product label, with each lot being a separate overt act as numbered:

<u>Overt Act</u>	<u>Lot Number</u>	<u>Date Manufactured</u>
4	12255	December 22, 1992
5	01347	January 22, 1993
6	02309	February 3, 1993
7	02343	February 16, 1993
8	04365	April 23, 1993
9	04368	April 26, 1993
10	05335	May 13 and 14, 1993
11	07338	July 19, 1993
12	07354	July 23, 1993
13	12306	December 3, 1993
14	12338	December 9, 1993
15	044E9	April 29, 1994
16	044F6	April 29, 1994
17	054A5	May 25, 1994
18	054A6	May 25, 1994
19	054C9	May 25, 1994
20	054D1	May 25, 1994

21. On or about between May 5 and May 14, 1993, **CHEMINS** stored ephedrine hydrochloride and caffeine anhydrous in a shed, known as the "Morgan Shed," located behind the **CHEMINS** warehouse, in order to hide it from FDA.

22. On or about between May 5 and May 14, 1993, with the intent to obstruct an ongoing FDA inspection, a coconspirator told an FDA inspector at **CHEMINS** that the inspector could not look in the shed because the coconspirator could not locate the key to the shed.

23. On or about between May 5 and May 14, 1993, in the early morning of the day after the FDA inspector was denied entrance to the shed, at the direction of **JAMES R. CAMERON** coconspirators moved the ephedrine hydrochloride and caffeine anhydrous from the shed to a coconspirator's residence.

24. On or about August 6, 1993, as part of an ongoing practice, a coconspirator instructed a **CHEMINS** employee not to enter the receipt of caffeine anhydrous into **CHEMINS'** computerized inventory.

25. On or about August 13, 1993, **JAMES R. CAMERON** placed a standing order for 200 kilograms of ephedrine hydrochloride to be delivered to **CHEMINS** on the first and fifteenth of each month.

26. In or about late 1993 and early 1994, **JAMES R. CAMERON** told a coconspirator that it was cheaper to use ephedrine hydrochloride rather than ma huang extract in order to achieve the target of 12 mg./capsule of ephedrine in Formula One.

27. On or about February 1994, a coconspirator directed a **CHEMINS** employee to not enter the receipt of caffeine anhydrous into the warehouse receiving logs and to take the



receiving documents for caffeine anhydrous directly to the accounting office.

28. On or about March 28, 1994, acting at the direction of **JAMES R. CAMERON**, a **CHEMINS** employee rented a commercial storage locker to hide the ephedrine hydrochloride and caffeine anhydrous.

29. On or about March 28, 1994, coconspirators moved ephedrine hydrochloride and caffeine anhydrous from **CHEMINS** to the commercial storage locker.

30. On or about the beginning of May, 1994, coconspirators held a meeting to discuss press reports of the death of a woman in Texas associated with the consumption of Formula One.

31. On or about May 26, 1994, during an inspection by FDA to investigate the Texas death and other complaints of serious adverse reactions associated with consumption of Formula One, a coconspirator provided an FDA inspector with a false formulation for Formula One, which was false in that it did not list the ingredients ephedrine hydrochloride and caffeine anhydrous.

32. On or about May 26 and 27, 1994, a coconspirator provided an FDA inspector with false warehouse receiving logs, which were false in that they did not record the receipt by **CHEMINS** of ephedrine hydrochloride and caffeine anhydrous.

33. On or about May 27, 1994, a coconspirator provided an FDA inspector with false shop orders for Formula One batch numbers 02309, 12338, 12306, 044E9, 044F6, 05427, 054A5, 054A6, 054C9, and 054D1.

34. On or about May 26 and 27, 1994, a coconspirator provided samples and certificates of analysis for the raw materials listed on the shop order as ingredients of Formula One to the FDA inspector, but did not provide samples and certificates of analysis for ephedrine

hydrochloride and caffeine anhydrous.

35. On or about June 7, 1994, with the knowledge that the FDA inspection was to investigate complaints of serious adverse reactions, including the death in Texas, associated with consumption of Formula One, JAMES R. CAMERON and coconspirators gave false and misleading answers to the FDA inspector regarding why the shop orders provided to the inspector contained different formulations for Formula One.

36. On or about June 7, 1994, with the knowledge that the FDA inspection was to investigate complaints of serious adverse reactions, including the death in Texas, associated with consumption of Formula One, JAMES R. CAMERON and coconspirators told the FDA inspector that the shop orders for batch numbers 054A5, 054A6, 054C9, 054D1 and 054A3 omitted the lot number of Kola Nut Extract that the shop order indicated was used in the lot because of a "housekeeping" problem and "mistakes," when CAMERON knew that the lot numbers were omitted because, at CAMERON'S direction, caffeine anhydrous was used in place of Kola Nut Extract and caffeine anhydrous was not assigned a lot number.

37. On or about June 7, 1994, with the knowledge that the FDA inspection was to investigate complaints of serious adverse reactions, including the death in Texas, associated with consumption of Formula One, JAMES R. CAMERON and coconspirators provided an affidavit to the FDA inspector that falsely stated "[w]e [CHEMINS] use only naturally-occurring raw materials. We do not use any chemically prepared ephedra, [or] caffeine . . . . Formula One has always been manufactured using a single formula."

38. On or about June 8, 1994, JAMES R. CAMERON directed a coconspirator to write a letter to CHEMINS' customer for Formula One, in Richardson, Texas. The letter was

written to respond to FDA's inspectional findings and falsely stated: "The absence of lot #'s for Kola Nut Extract is due to the fact that we did not purchase Kola Nut Extract at that time. We produced our own Kola Nut Extract as we found it to be more cost effective and timely."

39. On or about June 10, 1994, **CHEMINS** shipped Formula One batch numbers 054A5, 054A6, 054C9, and 054D1 from Colorado Springs, Colorado, to Richardson, Texas, which batches contained the unlabeled ingredients ephedrine hydrochloride and caffeine anhydrous.

40. On or about November 21, 1994, FDA issued a Warning Letter to **CHEMINS** regarding **CHEMINS'** manufacture of Formula One, which cited complaints of serious injury, including deaths, associated with its consumption. On or about December 14, 1994, in response to the Warning Letter, **CHEMINS** caused FDA to be told that **CHEMINS** had not spiked the product with any pharmaceutical grade ephedrine.

41. On or about December 16, 1994, in response to the Warning Letter, **CHEMINS** caused FDA to be sent a letter, on behalf of **CHEMINS**, that stated:

Chemins did not design or create the ingredient composition or formula . . .  
Chemins produced Formula One at the direction of its customer. . . . No synthetic alkaloids have ever been added to the ephedra it receives from its suppliers. The target for the caffeine is 30 mg. per capsule of Formula One. No synthetic caffeine is added or ever has been by Chemins. The ephedra and the caffeine ingredients of Formula One have not changed (i.e., no reformulation) . . . .

All in violation of Title 18, United States Code, Section 371

## COUNT TWO

The Grand Jury for the District of Colorado further charges that:

1. The allegations contained in paragraph 1 of Count One of this Indictment are realleged and incorporated by reference as if fully set forth herein.
2. Under the authority of Title 21, United States Code, Section 374, between May 24 and June 15, 1994, the United States Food and Drug Administration was conducting an establishment inspection of CHEMINS' facilities in Colorado Springs, Colorado to investigate complaints of a death in Texas and other serious adverse reactions associated with consumption of Formula One and to investigate CHEMINS' compliance with the Food, Drug & Cosmetic Act, Title 21, United States Code, Section 301 et seq. ("the inspection").
3. Between on or about May 24 and June 15, 1994, in the State and District of Colorado,

**JAMES R. CAMERON  
and  
THE CHEMINS COMPANY, INC.**

corruptly endeavored to influence, obstruct, and impede the due and proper administration of the law under which a pending proceeding was being had before an agency of the United States, to wit: an FDA inspection, in that the defendants:

- 1) produced, caused to be produced, and aided and abetted in producing, to FDA false manufacturing records that did not record the use of ephedrine hydrochloride and caffeine anhydrous in Formula One and false warehouse receiving logs that did not document the receipt by CHEMINS of ephedrine hydrochloride and caffeine anhydrous;
- 2) gave, caused to be given, and aided and abetted in giving, false, misleading and evasive

answers to FDA inspectors' questions regarding the ingredients in Formula One; and

- 3) hid, caused to be hidden, and aided and abetted in hiding, ephedrine hydrochloride and caffeine anhydrous off-site at a rental commercial storage unit;

all with the intent to obstruct and impede the inspection.

All in violation of Title 18, United States Code, Sections 1505 and 2

### COUNT THREE

The Grand Jury for the District of Colorado further charges that:

1. The allegations contained in paragraph 1 of Count One of this Indictment are realleged and incorporated by reference as if fully set forth herein.

2. On or about June 7, 1994, in the State and District of Colorado,

**JAMES R. CAMERON**  
**and**  
**THE CHEMINS COMPANY, INC.**

in a matter within the jurisdiction of the United States Food and Drug Administration, an agency of the United States, did knowingly and willfully make, cause to be made, and aid and abet in making, a materially false, fictitious, and fraudulent statement and representation to an FDA inspector, to wit: that "[w]e [CHEMINS] use only naturally-occurring raw materials. We do not use any chemically prepared ephedra, [or] caffeine . . . Formula One has always been manufactured using a single formula." when in fact CHEMINS used ephedrine hydrochloride and caffeine anhydrous in the manufacture of Formula One, and several formulas were used. All in violation of Title 18, United States Code, Sections 1001 and 2

COUNTS FOUR - THIRTEEN

The Grand Jury for the District of Colorado further charges that:

1. The allegations contained in paragraph 1 of Count One of this Indictment are realleged and incorporated by reference as if fully set forth herein.
2. On or about between May 24 and June 7, 1994, in the State and District of Colorado,

**JAMES R. CAMERON**  
**and**  
**THE CHEMINS COMPANY, INC.**

in a matter within the jurisdiction of the United States Food and Drug Administration, an agency of the United States, did knowingly and willfully use, cause to be used, and aid and abet in using, a false writing and document knowing the same to contain a materially false, fictitious, and fraudulent statement and entry, to wit: the shop orders for the Formula One lot numbers listed below, which contained false entries indicating that Kola Nut Extract was used in manufacturing the batches, when in fact caffeine anhydrous was used, and which falsely omitted the use of ephedrine hydrochloride, with the use of each shop order being a separate count of the indictment:

<u>COUNT</u>	<u>LOT NUMBER</u>
4	02309
5	02343
6	12306
7	12338
8	044E9

<u>COUNT</u>	<u>LOT NUMBER</u>
9	044F6
10	054A5
11	054A6
12	054C9
13	054D1

All in violation of Title 18, United States Code, Sections 1001 and 2



**COUNT FOURTEEN**

The Grand Jury for the District of Colorado further charges that:


1. The allegations contained in paragraph 1 of Count One of this Indictment are realleged and incorporated by reference as if fully set forth herein.
2. On or about June 10, 1994, in the State and District of Colorado, and elsewhere,

**JAMES R. CAMERON  
and  
THE CHEMINS COMPANY, INC.**

the defendants herein, did, with the intent to defraud and mislead, introduce and deliver for introduction, cause to be introduced and delivered for introduction, and aid and abet in introducing and in delivering for introduction, into interstate commerce, quantities of the food Formula One, lot numbers 054A5, 054A6, 054C9, and 054D1, which were delivered to Richardson, Texas on or about June 13, 1994, which were misbranded within the meaning of the Federal Food, Drug and Cosmetic Act, Title 21, United States Code, Section 343(a), in that the labeling of the food was false and misleading in that it failed to list ephedrine hydrochloride and caffeine anhydrous as ingredients of the food, and Section 343(i), in that the label failed to bear the common and usual name of each ingredient, to wit: ephedrine hydrochloride and caffeine.

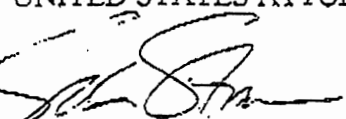
All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2) and Title 18, United State Code, Section 2

A TRUE BILL:

  
Foreperson

THOMAS L. STRICKLAND  
UNITED STATES ATTORNEY

By:

  
Susan Strawn  
Special Assistant U.S. Attorney  
Trial Attorney  
U.S. Department of Justice

FILED  
U.S. DISTRICT COURT  
DISTRICT OF COLORADO

DATE: 1999 OCT 21 PM 1:08

JAMES R. HANSPEAKER  
CLERK

DEFENDANT: THE CHEMINS COMPANY, INC.

AGE: n/a

BY \_\_\_\_\_ DEP. CLK

ADDRESS: 1835 E. Cheyenne Road  
Colorado Springs, CO 80906

OFFENSE: Conspiracy, 18 U.S.C. § 371;  
Obstruction of Agency Proceeding, 18 U.S.C. § 1505;  
False Statement to Federal Agency, 18 U.S.C. § 1001;  
Introducing Misbranded Foods Into Interstate Commerce, 21 U.S.C. §§  
331(a), 333(a)(2)  
Aiding and Abetting, 18 U.S.C. § 2

LOCATION OF OFFENSE: Colorado

PENALTY: Count 1  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 2  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 3  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment  
Counts 4-13  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution: \$50.00 Special Assessment

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JAMES R. HANSPEAKER  
CLERK

DEFENDANT: THE CHEMINS COMPANY, INC.

AGE: n/a

BY \_\_\_\_\_ DEP. CLK

ADDRESS: 1835 E. Cheyenne Road  
Colorado Springs, CO 80906

OFFENSE: Conspiracy, 18 U.S.C. § 371;  
Obstruction of Agency Proceeding, 18 U.S.C. § 1505;  
False Statement to Federal Agency, 18 U.S.C. § 1001;  
Introducing Misbranded Foods Into Interstate Commerce, 21 U.S.C. §§  
331(a), 333(a)(2)  
Aiding and Abetting, 18 U.S.C. § 2

LOCATION OF OFFENSE: Colorado

PENALTY: Count 1  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 2  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 3  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment  
Counts 4-13  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 14  
NMT \$ 500,000 (or twice the gain to defendant) fine, or both;  
Restitution; \$50.00 Special Assessment

AGENT: Laura Stewart  
FDA-OCI

AUTHORIZED BY: Susan Strawn  
Special Assistant U.S. Attorney

99-CR-370 WM

ESTIMATED TIME OF TRIAL:

☐ five days or less

☒ over five days

☐ other

THE GOVERNMENT

☐ will seek detention in this case

☒ will not seek detention in this case

The statutory presumption of detention is or is not applicable to this defendant. (Circle one)

OCDETF CASE: ☐ Yes ☒ No

DATE:

1999 OCT 21 PM 1:08

JAMES R. MANSPEAKER  
CLERK

DEFENDANT: JAMES R. CAMERON

AGE: 69

BY \_\_\_\_\_ DEP. CLK

ADDRESS: 2430 Mesa Road  
Colorado Springs, Colorado 80904

OFFENSE: Conspiracy, 18 U.S.C. § 371;  
Obstruction of Agency Proceeding, 18 U.S.C. § 1505;  
False Statement to Federal Agency, 18 U.S.C. § 1001;  
Introducing Misbranded Foods Into Interstate Commerce, 21 U.S.C. §§  
331(a), 333(a)(2)  
Aiding and Abetting, 18 U.S.C. § 2

LOCATION OF OFFENSE: Colorado

PENALTY: Count 1 - *Conspiracy*  
NMT 5 years; NMT \$ 250,000 (or twice the gain to defendant)  
fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 2 *Obstruction*  
NMT 5 years; NMT \$ 250,000 (or twice the gain to defendant)  
fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 3 *False Statements*  
NMT 5 years; NMT \$ 250,000 (or twice the gain to defendant)  
fine, or both;  
Restitution; \$50.00 Special Assessment  
Counts 4-13 *False Statements*  
NMT 5 years; NMT \$ 250,000 (or twice the gain to defendant)  
fine, or both;  
Restitution; \$50.00 Special Assessment  
Count 14  
NMT 3 years; \$ 250,000 (or twice the gain to defendant)  
fine, or both;  
Restitution; \$50.00 Special Assessment

99-CR-370

AGENT: Laura Stewart  
FDA-OCI

AUTHORIZED BY: Susan Strawn, Special Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

☐ five days or less

☒ over five days

☐ other

THE GOVERNMENT

☐ will seek detention in this case

☒ will not seek detention in this case

The statutory presumption of detention is or is **not** applicable to this defendant. (Circle one)

OCDETFCASE: ☐ Yes ☒ No