

Felony

AO 91 (Rev. 1/11) Criminal Complaint
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UNITED STATES DISTRICT COURT

MAY - 2 2018

for the
Southern District of Texas

David J. Bradley, Clerk of Court

United States of America)
)
 V.)
)
 Rene SORIANO)
 Defendant(s))

Case No.

B-18-423-MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.
On or about the date(s) of March 13, 2013 to the present in the county of Cameron in the Southern District of Texas, the
defendant(s) violated:

Code Section
Title 18 USC 545, Title 18 USC 2320, Title 21 USC
331(a), Title 21 USC 331(t) and Title 18 USC 371.

Offense Description
Smuggling, Trafficking in Counterfeit Goods, Introduction of
Misbranded Drugs Into Interstate Commerce, Wholesale Distribution
of Prescription Drugs Without the Proper State Licenses and
Conspiracy to do the same.

This criminal complaint is based on these facts:

See attachment A.

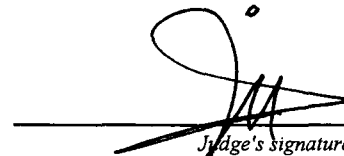
Continued on the attached sheet.


Complainant's Signature

John P. Ardolino, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

May 2, 2018
Date


Judge's signature

Brownsville, Texas
City and State

U.S. Magistrate Judge Ignacio Torteya III
Printed name and title



Criminal Complaint

MAY - 2 2018

Attachment A

David J. Bradley, Clerk of Court

1. In November of 2017, HSI Brownsville opened an investigation in coordination with the United States Postal Inspection Service (USPIS) into suspicious packages mailed to Rene SORIANO to three residences in Brownsville, Texas.

2. The investigation was later coordinated with the addition of the Food and Drug Administration (FDA), the Intellectual Property Rights National Coordination Center (IPR Center) and private industry regarding the selling and distribution of misbranded, unapproved and counterfeit pharmaceutical products to customers in the United States via phone and the Internet.

Seizures of Imported Counterfeit and Unapproved Medications

3. HSI received information from USPIS that Rene SORIANO was receiving packages from the Republic of India with Indian Customs Declarations labelling them as "Medicine."

4. Prior to contacting HSI, six packages were observed by USPIS addressed from Chinmay Overseas to three different current and former ^{CHRISTIAN} CAVAZOS addresses in Brownsville, Texas. The packages were addressed to Rene SORIANO, Christian CAVAZOS c/o Rene SORIANO, and Marbel SORIANO c/o Rene SORIANO.

5. HSI database checks of Chinmay Overseas showed multiple seizures of non-Food and Drug Administration (FDA) approved medications in multiple cities during 2017. These were packages sent from Chinmay Overseas in India through the United States Postal Service (HSI Cases NY08NR12NY0052, JA07PR17JA0001 and multiple Customs and Border Protection seizures).

6. USPIS provided tracking information showing the U.S. Postal Service (USPS) was in constant possession of the packages since these international packages left a Customs and Border Protection facility. Each package was viewed, photographed and showed no signs of tampering. Due

to the seizure history associated with Chinmay International and the foreign Customs Declaration as "Medicine", on November 16, 2017 an extended border search was conducted of these five suspicious international packages at the USPS facility.

7. The search results showed the following addressees, contents, medication ingredients and values:

8. Package 1: Marbel SORIANO c/o Rene SORIANO

██████████ Brownsville, TX 78520

The package contained 1600 Cenforce D pills, packaged in 10 pill blister packs. The listed ingredients of the pills were Sildenafil Citrate 100mg and Dapoxetine 60mg.

Appraised value \$65,840

9. Package 2: Christian CAVAZOS c/o Rene SORIANO

██████████ 78521, USA

The package contained 1400 Super Vidalista pills packaged in 10 pill blister packs. The listed ingredients were Tadalafil 20mg and Dapoxetine 60mg.

Appraised value \$15,288

10. Package 3: Rene SORIANO

██████████ Brownsville, Texas 78520

The package contained 500 Extra Super Tadarise pills packaged in 10 pill blister packs. The listed ingredients were Tadalafil 40mg and Dapoxetine 60mg.

Appraised value \$5,762.30


11. Package 4: Christian CAVAZOS c/o Rene SORIANO

██████████ 8521 USA

The package contained 170 assorted erectile dysfunction and premature ejaculation pills in blister packs. Several displayed the blue, diamond shaped tablet trademark of Viagra.

Appraised value \$4,949.86

12. Package 5: Marbel SORIANO c/o Rene SORIANO

 Brownsville, TX 78521 USA

The package contained 500 Vega 100 pills packaged in 4 pill blister packs with the ingredient of Sildenafil 100mg

These displayed the blue, diamond shaped tablet trademark of Viagra.


Appraised value \$20,575.

13. These non-FDA approved and counterfeit medications were seized as evidence. The total appraised value for the five packages was approximately \$112,597.16.

14. The blue, diamond shape of tablets is an established trademark owned by Pfizer, Inc. for the medicine Viagra. The active ingredient in Viagra (Sildenafil) is patented by Pfizer, Inc. No other prescription medications containing Sildenafil were approved for sale in the U.S. by the FDA at the time of the seizure. Additionally, Dapoxetine, a premature ejaculation medication, is not FDA approved for sale in the U.S

15. On April 27, 2018 HSI Brownsville was informed by USPIS that Rene SORIANO had been addressed additional suspicious packages matching the appearance of those seized on November 16, 2017.

16. Two packages were addressed from CHINMAY OVERSEAS 1st Malharraowadi, Dadiseth Agiary Lane Nr. G. T. High School, 1st Floor Mumbai, 400 002. HSI database checks of Chinmay Overseas showed multiple seizures of non-Food and Drug Administration (FDA) approved medications in multiple cities during 2017 (HSI Cases NY08NR12NY0052, JA07PR17JA0001 and multiple Customs and Border Protection seizures).

17. USPIS personnel met with HSI Agents Ardolino and Ardito at the HSI Brownsville Office. Five packages from Chinmay Overseas were observed. Each package had a Postal Administration of India Customs Declaration describing the contents as "Medicine." 

18. USPIS provided tracking information showing the U.S. Postal Service (USPS) was in constant possession of the packages since these international packages left a Customs and Border

Protection facility. Each package was viewed. None showed any signs of opening or tampering. Due to the seizure history of Chinmay Overseas packages and the customs declaration as "medicine", an extended border search was conducted of these suspicious international parcels. The results were as follows:

19. Package 1

Rene SORIANO


Browsville, TX 78520

The package contained 400 Cenforce D pills packaged in 10 pill blister packs.

The pills were labeled Sildenafil 100mg and Dapoxetine 60mg

Estimated value \$16,460

20. Package 2

Rene SORIANO


Browsville, TX 78520

The package contained 300 Cenforce D pills in 10 pill blister packs.

The pills were labeled Sildenafil 100mg, Dapoxetine 60mg

Estimated value \$12,345

Chinmay Overseas Packages Received

21. According to records checks by USPIS, Rene SORIANO has received multiple packages addressed to him from Chinmay Overseas between October 18, 2017 and April 13, 2018.

22. These deliveries were addressed to Rene SORIANO, Maribel Soriano c/o Rene SORIANO, Christian CAVAZOS c/o Rene SORIANO and Sylvia Guerra at Rene SORIANO's address.

23. These international packages require a customer signature for delivery. USPIS SAs have kept copies of the electronic signature receipts and USPS Form 3849s that show all signatures for these packages.

24. Between October 18, 2017 and April 9, 2018 Rene SORIANO has received and signed for five packages at his residence. Seven packages were delivered to that residence and signed for in total.

25. These deliveries are listed in the table on the following page:

Addressee Name	Addressee	Date	Time	Signature	Place of Delivery
Rene Soriano	[REDACTED]	10/18/2017	11:20 AM	Rene Soriano	Brownville, TX
Rene Soriano	[REDACTED]	10/18/2017	11:20 AM	Rene Soriano	Brownville, TX
Maribel Soriano c/o Rene Soriano	[REDACTED]	10/19/2017	4:59 PM	Rene Soriano	Brownville Main Post Office
Maribel Soriano c/o Rene Soriano	[REDACTED]	10/19/2017	4:59 PM	Rene Soriano	Brownville Main Post Office
Maribel Soriano c/o Rene Soriano	[REDACTED]	10/25/2017	10:03 AM	Illegible	Brownville, TX
Christian Cavazos c/o Rene Soriano	[REDACTED]	10/25/2017	11:09 AM	Illegible (C. Cavazos)	Brownville, TX
Marbel Soriano c/o Rene Soriano	[REDACTED]	11/21/2017	10:21 AM	Rene Soriano	Brownville Main Post Office
Marbel Soriano c/o Rene Soriano	[REDACTED]	11/29/2017	11:00 AM	Roxanna Cavazos	Brownville, TX
Rene Soriano	[REDACTED]	11/30/2017	10:11 AM	Illegible (male individual)	Brownville, TX
Sylvia Guerra	[REDACTED]	11/30/2017	10:11 AM	Illegible (male individual)	Brownville, TX
Christian Cavazos c/o Rene Soriano	[REDACTED]	11/30/2017	9:44 AM	Christian Cavazos	Brownville, TX
Christian Cavazos c/o Rene Soriano	[REDACTED]	11/30/2017	11:11 AM	Christian Cavazos	Post Office
Rene Soriano	[REDACTED]	12/6/2017	10:31 AM	Rene Soriano	Brownville, TX
Christian Cavazos c/o Rene Soriano	[REDACTED]	4/7/2018	10:47 AM	Christian Cavazos	Brownville, TX
Rene Soriano	[REDACTED]	4/9/2018	10:17 AM	Rene Soriano	Brownville, TX
Rene Soriano	[REDACTED]	4/9/2018	10:22 AM	Rene Soriano	Brownville, TX

26. The delivered package on November 21, 2017 listed above was addressed to Marbel SORIANO but received by Rene SORIANO at the Brownsville, Post Office. Surveillance photographs of Rene SORIANO were taken and recovered by USPIS from that incident.

27. On December 1, 2017, Rene SORIANO inquired at the Brownsville, Texas Post Office about packages he had not received that had been seized by HSI. SORIANO stated he was supposed to receive the packages at the 21st Street address, the [REDACTED] address and a third address at his nephew's home. SORIANO claimed he lived in Mexico and exported Viagra there. He provided a phone number of (956) 2 [REDACTED]. Surveillance photographs of Rene SORIANO were taken and recovered by USPIS.

Rene SORIANO Residence Confirmation

28. Rene SORIANO was confirmed to reside at [REDACTED] [REDACTED] in Brownsville, Texas 78520. This confirmation was determined by surveillance conducted from December 2017 to present where Rene SORIANO was observed by HSI SAs coming and going from the home. Vehicles registered to Rene SORIANO were also observed parked at the residence. SORIANO's Texas Driver License also has this address as his address of record.

Customs and Border Protection Notices of Seizure

29. On December 21, 2017 Customs and Border Protection Notices of Seizure were sent to Rene SORIANO at [REDACTED], his residence at [REDACTED] [REDACTED] Street in Brownsville, Texas. These notices explained the medication contained registered trademarks and that SORIANO was in violation of law.

Social Media Page – Rene SORIANO

30. An analysis was conducted of Rene SORIANO's Facebook page by HSI. Several posts to his Facebook account showed him actively promoting and selling counterfeit and unapproved prescription medications.

31. On January 18, 2018 SORIANO posted a photograph of Acxion 30mg tablets (fentermina). The text of this post stated "Inbox me." Acxion Fentermina is a prescription drug sold in Mexico for weight loss. It contains the active ingredient phentermine hydrochloride, an amphetamine-like stimulant that is classified as a schedule IV controlled substance.

32. On January 13, 2014 SORIANO posted to the page La Pulga Online, "Generic viagra and Super Pforce for sale both 100mg. Bro, Harl, San B only. The more you buy the better the price. Txt me [REDACTED]." Included in the post was a picture of Super P-Force and Vega 100 tablets. These were similar to products seized on November 16, 2017 by HSI.

33. On January 12, 2016 SORIANO posted to the page La Pulga Online, "Generic Viagra and Cialis Selling Generic Viagra or Cialis text me at [REDACTED] 70 for info . . ." This phone number matches the one provided to USPS employees on December 1, 2017.

34. On January 17, 2016 Rene SORIANO posted to La Pulga Online "(ARCHIVED) Male enhancers Generic Viagra or Cialis 24 for \$100 <https://m.facebook.com/Viagra-Generic-Sildenafil...>"

35. February 14, 2016 Rene Soriano shared a page. "If anybody is interested order online locally privately delivered right here in Brownsville. <https://m.facebook.com/Viagra-Generic-Sild...> "Viagra Generic Sildenafil Citrate A place you can get help with erectile dysfunction. We have several products that can help. Like Generic Viagra and other products. Please DO NOT SOLICIT." Included in the post was a picture of Cenforce 100 Sildenafil Citrate tablets. This shared page linked to another Facebook page, "Viagra Generic Sildenafil Citrate."

Social Media Page-Viagra Generic Sildenafil Citrate

36. An analysis of the Facebook page "Viagra Generic Sildenafil Citrate" (VGSC) was conducted by HSI personnel.

37. Rene SORIANO stated on the VGSC page he was the administrator of that page. That page advertises foreign erectile dysfunction medication for sale. Discussions on the Facebook page were viewable showing negotiations with individuals for the purchase of counterfeit and unapproved medications. Screenshots were copied and saved showing numerous product photos and discussions.

38. On October 14, 2017 VGSC posted, "Cenforce 100mg only this week only. 10/23 thru 10/30 \$0.45 pp, minimum order is 500 pills. Plus \$25 delivery 500x .45=\$225 Shipping. \$25 You pay. \$250." A photograph of Cenforce 100 Sildenafil tablets was also displayed.

Purchases of Medications from Rene SORIANO- IP Services

39. Four purchases of medication were made from Rene SORIANO by IP Services, Inc., a contracted private investigative firm hired by Pfizer, Inc.

40. On March 8, 2013 a Brownsville, Texas Craigslist advertisement was found by IP Services personnel with an offer to sell Viagra. The contact number provided was ([REDACTED])
[REDACTED] This phone number also matches the one provided to USPS employees on December 1, 2017.

41. Text messages were exchanged with the seller who agreed to provide eight tablets of Viagra for \$80. A PayPal email address was provided for payment of bluepills100mg@gmail.com.

42. Payment was sent via PayPal and the investigator received eight, blue, diamond shaped tablets marked "Pfizer" and "VGR 100." These pills were lab tested and found to have the active ingredient sildenafil citrate. In addition, the appearance of these pills constituted a violation of Pfizer's trademarks for Viagra (see lab reports). These were shipped via the United States Postal Service (USPS) from Rene SORIANO : [REDACTED] Brownsville, TX 78520. The PayPal receipt displayed the name and email address renevsoriano@yahoo.com.

43. On April 11, 2013 text messages were exchanged by an IP Services Investigator with the same mobile phone number arranging an additional sale of Viagra. Nine tablets were purchased for \$90. Payment was made to the same PayPal account as the previous purchase.

Nine pills were received via USPS from SORIANO at the [REDACTED] address. These pills were lab tested and found to have the active ingredient sildenafil citrate. In addition, the appearance of these pills constituted a violation of Pfizer's trademarks for Viagra.

44. On July 15, 2013 an IP Services Investigator exchanged Text Messages with the same mobile phone arranging an additional sale of Viagra. Ten tablets were purchased for \$100. Payment was made to the same PayPal account again.

Ten pills were received via USPS from Rene Soriano at the [REDACTED] address. These pills were lab tested and found to have the active ingredient sildenafil citrate. In addition, the appearance of these pills constituted a violation of Pfizer's trademarks for Viagra.

45. On May 22, 2014 text messages were once again exchanged with the same mobile phone by an IP Services Investigator. These arranged the sale of twenty tablets of generic Viagra for \$115. Payment was made to the same PayPal account as the previous purchases.

Two blisters of ten pills of “Aurogra-100, 100mg Sildenafil” were shipped from Rene SORIANO at the [REDACTED] address. These pills were lab tested and found to have the active ingredient sildenafil citrate. In addition, the appearance of these pills constituted a violation of Pfizer’s trademarks for Viagra.

Purchases of Medications from Rene SORIANO- FDA

46. On February 8, 2018, SA Jared Friedman of the US Food & Drug Administration Office of Criminal Investigations (FDA OCI), San Antonio Domicile Office, contacted Rene SORIANO via undercover (u/c) telephone number. SA Friedman in the u/c capacity of Tom Mulligan texted SORIANO at telephone number of ([REDACTED]) as listed on SORIANO’S Facebook page. This phone number also matches the one provided to USPS employees on December 1, 2017.

47. SA Friedman texted to the number ‘I saw your Facebook post for Viagra, interested, do you ship’. SA Friedman received a reply ‘Yes, what do you need’. The individual who identified himself as Rene SORIANO replied to the text and offered to sell Viagra for \$0.60 a pill if more than 500 were purchased. SORIANO stated via text that the number SA Friedman texted him was his personal phone number.

48. Rene SORIANO initially texted to SA Friedman that 50 pills of Viagra would cost \$2.00 a pill if being shipped for, as he stated, end use. SORIANO further texted that if SA Friedman was a reseller they would cost less, at which time SA Friedman texted SORIANO he would like to purchase 250 pills to sell in St. Louis, MO.

49. SORIANO replied that the pills would cost \$0.75 a pill plus \$12.00 for shipping. SORIANO texted to SA Friedman that he only takes payment via the online payment application *CashApp*. SORIANO stated that he ships immediately once he receives payment. SA Friedman transferred \$199.50 via *CashApp* with the name Daniel Davis listed on the application. Daniel Davis is a u/c name for SA Daniel Allgeyer of the FDA OCI Kansas City Field Office who has a u/c bank account that was used by SA Friedman to open a *CashApp* account.

50. During the transfer of the \$199.50 by SA Friedman (to phone number [REDACTED]) the *CashApp* service showed SORIANO'S face as identified on his Facebook page and Law Enforcement database searches, as receiving the money. SORIANO further texted a screen shot of his telephone screen to SA Friedman showing he received \$199.50 from Daniel Davis "For Tommy". SA Friedman texted SORIANO that Daniel Davis was Tom Mulligan's roommate.

51. SORIANO texted SA Friedman to text a shipping address to send the pills. SA Friedman texted the address of [REDACTED] O'Fallon, MO 63368, a u/c Commercial Mail Receiving Agency (CMRA) for SA Brian McClune, FDA OCI St. Louis Domicile Office. SORIANO texted that the package would be shipped Priority First Class 2nd Day (US Postal Service) with a tracking number.

52. On February 9, 2018, SORIANO texted SA Friedman that he was shipping 100 200s, 120 20s, 30 100s. This was determined by SA Friedman to be 100 pills of 200mg Sildenafil Citrate, 120 pills of 20mg Tadalafil and 30 pills of 100mg Sildenafil Citrate. SORIANO texted SA Friedman a screen shot of the pills being shipped to O'Fallon, MO. SORIANO further texted SA Friedman a screen shot of the US Postal Service receipt with tracking number: ~~9605 1234567890~~.

53. SA Friedman provided Inspector Slawson the tracking information at which time it was determined that the parcel was shipped from Brownsville, TX at 1:56pm CST on February 9, 2018.

54. On February 12, 2018, SA McClune received the US Postal Service Priority Mail package with tracking number ~~9605 1234567890~~ at his u/c CMRA in O'Fallon, MO. SA McClune forwarded the package to SA Friedman the same day.

55. On February 13, 2018, SA Friedman received the parcel from SA McClune. The parcel was opened and inventoried by SA Friedman. The parcel was identified as a US Postal Service Priority Small Flat Rate Box addressed to Tom Mulligan, [REDACTED] O'Fallon, MO 63368 with a return address written as: Rene Soriano [REDACTED] Brownsville, TX 78521.

56. A tracking number of ~~9605 1234567890~~ was also listed on the package. Inside the box was two yellow envelopes, one inside the other containing: Three blister packs Cenforce 100 Sildenafil Citrate tablets, 100mg; Ten blister packs of Cenforce 200, Sildenafil Citrate tablets, 200mg; 12 blister packs of Valdista 20, Tadalafil tablets 20mg. All blister packs contained 10 pills.

57. SA Friedman conducted searches via the FDA Intranet/Internet on the names Cenforce and Vadalista. No FDA approvals for the product could be found. Cenforce and Vadalista were determined to be unapproved for sale in the United States. No prescription was required when SA Friedman purchased the drugs from SORIANO. Also, the blister packs did not have RX Only written on them as required by the FDA for prescription drugs. The blister packs that SA Friedman received did not have adequate labeling/direction for use or warning. SA Friedman also entered the name Rene SORIANO with the Texas Secretary of State. SORIANO is not listed as a wholesale distributor or registered distributor of any prescription drug.

Pharmaceutical Laboratory Analysis-Pfizer

58. On December 18, 2017 samples of Cenforce D and Vega 100 medications were sent to Brian Donnelly of Pfizer Global Security for laboratory testing. These samples were obtained from the HSI seizure on November 16, 2017.

59. On February 27, 2018 HSI Brownsville received the testing results and sample remains. Testing reports from the Pfizer Intellectual Property Forensic Laboratory (IPFL) were included.

60. The Vega 100 sample was determined to be a "Viagra Mimic/ Trademark Counterfeit." Testing results also showed the pills contained Sildenafil Citrate. They described the physical appearance of the pills as counterfeits of the trademarked appearance of Viagra. The blue, diamond shaped oval was trademarked under United States Patent and Trademark Office registration number 2,593,407.

61. The Cenforce-D sample was determined to be a "combination drug product." Testing results showed the pills contained Sildenafil Citrate and Dapoxetine.

Pharmaceutical Laboratory Analysis- FDA

62. Samples from the HSI seizure on November 16, 2017 were also sent to the FDA laboratory for analysis received February 13, 2018.

63. Extra Super Tadarise tablets tested positive for tadalafil and dapoxetine using mass spectral detection (LC-MS).

64. Cenforce D tablets tested positive for sildenafil and dapoxetine using LC-MS.

65. Vega 100 tablets tested positive for sildenafil using LC-MS.

66. Super Vidalista tablets tested positive for tadalafil and dapoxetine using LC-MS.

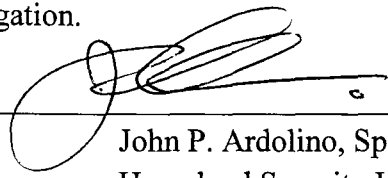
CONCLUSION

67. On the basis of the above described information, I respectfully submit that there is probable cause to believe that Rene SORIANO has committed violations of Title 18, United States Code, Section 545 (Smuggling Goods into the United States), Title 18, United States Code, Section 2320(a)(1) (Trafficking in Counterfeit Goods), Title 21, United States Code, Section 331(a), Title 21, United States Code, Section 331(t), (Introduction of Misbranded Prescription Drugs Into Commerce and Wholesale Distribution of Prescription Drugs Without the Proper State Licenses) and Title 18 United States Code 371 [Conspiracy to violate 18 USC 545, 18 USC 2320, 21 USC 331(a), and 21 USC 331(t)].

68. In consideration of the foregoing, I respectfully request that this Court issue an arrest warrant for Rene SORIANO.

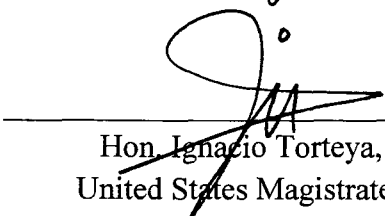
69. REQUEST TO SEAL

I further request that the Court order that all papers in support of this complaint, including the affidavit and arrest warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.



John P. Ardolino, Special Agent
Homeland Security Investigations

Sworn to before me and signed in my presence on May 2, 2018, in Brownsville, Texas



Hon. Ignacio Torteya, III
United States Magistrate Judge