

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

MAY 29 2018

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

§

vs.

§

CRIMINAL NO. **B-18-370**

RENE SORIANO

§

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

From on or about March 2013, to on or about May 3, 2018, in the Southern District of Texas and elsewhere and within the jurisdiction of the Court, Defendant,

RENE SORIANO,

did knowingly and intentionally conspire and agree together and with persons known and unknown to the Grand Jurors including suppliers in India and Singapore:

1. To traffic and attempt to traffic in goods, namely, pharmaceutical drugs, and to use counterfeit marks on and in connection with such goods, which counterfeit marks were identical with or indistinguishable from registered marks of legitimate mark holders, in violation of Title 18, United States Code, Section 2320(a)(1).
2. To fraudulently and knowingly import and bring into the United States merchandise contrary to law and to receive, conceal, buy, sell and facilitate the transportation, concealment, and sale of such merchandise after importation knowing the same to have been imported contrary to law, in violation of Title 18, United States Code, Section 545, and Title 21, United States Code, Sections 331(a), 352(f) and 353(b)(1); and
3. To introduce and cause the introduction into interstate commerce misbranded drugs with intent to defraud and mislead, in violation of Title 21, United States Code, Section 331(a), 352(f), 353(b)(1), and 333(a)(2).

Object of the Conspiracy

It was the object of the conspiracy to smuggle counterfeit, unapproved and misbranded prescription drugs from India and Singapore and to sell and deliver those drugs to customers in the United States.

Manner and Means of the Conspiracy

The manner and means by which the defendant and his co-conspirators sought to accomplish the objects and purpose of the conspiracy included, among others, the following:

1. It was part of the conspiracy that Rene Soriano established, controlled, and operated Facebook and Craigslist pages that marketed prescription counterfeit and misbranded drugs to customers in the United States without requiring the customers to have prescriptions from a licensed practitioner.
2. It was also part of the conspiracy that Rene Soriano, a resident of Brownsville, would place orders from co-conspirators in India and Singapore who would ship him drugs to Brownsville, Cameron County, Texas.
3. It was further part of the conspiracy that the Defendant and his co-conspirators would then receive the imported drugs at three different addresses within Brownsville, Cameron County, Texas.
4. It was further part of the conspiracy that the Defendant received these illegal drugs and offered them for sale in the Southern District of Texas and elsewhere as a remedy for erectile dysfunction.
5. Finally, it was also part of the conspiracy that the Defendant would ship in intrastate and interstate commerce prescription counterfeit and misbranded drugs to customers within the United States.

Overt Acts

1. On or about March 15, 2013, Rene Soriano maintained a Craigslist advertising offering to sell Viagra.
2. From or about March 15 through June 22, 2014, Rene Soriano maintained a PayPal account for receiving payment from United States customers to whom he had shipped counterfeit and misbranded drugs.
3. On or about March 15, 2013, Rene Soriano sold and shipped counterfeit Viagra from Brownsville, Texas to a customer in Wexford, Pennsylvania.
4. On or about April 11, 2013, Rene Soriano sold and shipped counterfeit Viagra from Brownsville, Texas to a customer in Wexford, Pennsylvania
5. On or about July 15, 2013, Rene Soriano sold and shipped counterfeit Viagra from Brownsville, Texas to a customer in Wexford, Pennsylvania
6. On or about May 22, 2014, Rene Soriano sold and shipped counterfeit Viagra from Brownsville, Texas to a customer in Wexford, Pennsylvania.
7. On or about March 15, April 16, July 18, 2013 and May 22, 2014, Rene Soriano received payment through PayPal for counterfeit and misbranded Viagra he had sold and shipped to Wexford, Pennsylvania.
8. From on or about October 18, 2017, to on or about April 9, 2018, Rene Soriano received at three Brownsville, Texas addresses 16 packages containing counterfeit and misbranded pills from India.
9. On or about November 16, 2017, Rene Soriano imported 4195 counterfeit and misbranded pills from India.
10. On or about April 27, 2018, Rene Soriano imported 700 counterfeit and misbranded pills from India.

11. On or about February 8, 2018, Rene Soriano, sold and shipped 250 counterfeit and misbranded pills from Brownsville, Texas to a customer in O'Fallon, Missouri.

12. On or about May 3, 2018, Rene Soriano imported 4,500 counterfeit and misbranded pills from Singapore.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

On or about July 15, 2013, in the Southern District of Texas within the jurisdiction of the court and elsewhere, the defendant,

RENE SORIANO,

with the intent to defraud and mislead, introduced and caused to be introduced into interstate commerce drugs that were misbranded in that the drugs' labeling failed to bear adequate directions for use, in violation of 21 U.S.C. § 352(f), and the drugs were prescription drugs and dispensed without prescription, in violation of 21 U.S.C. § 353(b)(1), in that the defendant did ship such drugs from Brownsville, Texas to Wexford, Pennsylvania.

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 352(f) and 353(b)(1).

COUNT THREE

On or about May 22, 2014, in the Southern District of Texas within the jurisdiction of the court and elsewhere, the defendant,

RENE SORIANO,

with the intent to defraud and mislead, introduced and caused to be introduced into interstate commerce drugs that were misbranded in that the drugs' labeling failed to bear adequate directions for use, in violation of 21 U.S.C. § 352(f), and the drugs were

prescription drugs and dispensed without prescription, in violation of 21 U.S.C. § 353(b)(1), in that the defendant did ship such drugs from Brownsville, Texas to Wexford, Pennsylvania.

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 352(f) and 353(b)(1).

COUNT FOUR

On or about February 9, 2018, in the Southern District of Texas within the jurisdiction of the court and elsewhere, the defendant,

RENE SORIANO,

with the intent to defraud and mislead, introduced and caused to be introduced into interstate commerce drugs that were misbranded in that the drugs' labeling failed to bear adequate directions for use, in violation of 21 U.S.C. § 352(f), and the drugs were prescription drugs and dispensed without prescription, in violation of 21 U.S.C. § 353(b)(1), in that the defendant did ship such drugs from Brownsville, Texas to O'Fallon, Missouri.

In violation of Title 21, United States Code, Sections 331(a), 333(a)(2), 352(f) and 353(b)(1).

COUNT FIVE

On or about February 9, 2018, in the Southern District of Texas within the jurisdiction of the court and elsewhere, the defendant,

RENE SORIANO,

knowingly engaged in the wholesale distribution of prescription drugs without being licensed by the state of Texas as required by 21 U.S.C. §353(e)(1).

In violation of Title 21, United States Code, Sections 331(t) and 333(b)(1)(D).

COUNT SIX

From on or about March 2013, to on or about May 3, 2018, in the Southern District of Texas within the jurisdiction of the court and elsewhere, the defendant,

RENE SORIANO,

Knowingly and intentionally did traffic and attempt to traffic in goods, namely, pharmaceutical drugs; and knowingly did use counterfeit marks on and in connection with such goods, which counterfeit marks were identical with or substantially indistinguishable from register marks of the legitimate mark holders.

In violation of Title 18, United States Code, Section 2320(a)(2).

COUNT SEVEN

On or about November 16, 2017, in the Southern District of Texas within the jurisdiction of the court and elsewhere, the defendant,

RENE SORIANO,

did knowingly and fraudulently import, receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of misbranded drugs manufactured in India, after importation of those drugs, knowing the same to have been imported and brought into the United States contrary to federal law, including 21 U.S.C. § 331(a).

In violation of Title 18, United States Code, Sections 545 and 2.

COUNT EIGHT

On or about February 9, 2018, in the Southern District of Texas within the jurisdiction of the court and elsewhere, the defendant,

RENE SORIANO,

did knowingly and fraudulently import, receive, conceal, buy, sell, and facilitate the transportation, concealment, and sale of misbranded drugs manufactured in India, after

importation of those drugs, knowing the same to have been imported and brought into the United States contrary to federal law, including 21 U.S.C. § 331(a).

In violation of Title 18, United States Code, Sections 545 and 2.

A TRUE BILL:

FOREPERSON OF THE GRAND JURY

RYAN K. PATRICK
UNITED STATES ATTORNEY



ANGEL CASTRO
Assistant United States Attorney