

1538

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SEP - 1 2016

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.)
)
 ANTHONY ROUSE III)

Criminal No. 16-190
(18 U.S.C. §§ 2, 371, 1343, and 1341)

INFORMATION

COUNT ONE

Introduction

The United States Attorney charges that:

1. At all times material to this information, "www.edrugnet.com" and "www.overseas-foreign-pharmacy.com" were online drugstore or pharmacy websites, which acted as the anchor sites for other affiliated websites.
2. At all times material to this information, "www.edrugnet.com" and "www.overseas-foreign-pharmacy.com" were not licensed to dispense drugs in the United States.
3. At all times material to this information, Duangthip Chutivaraporn, a co-conspirator previously convicted, was in charge of the business venture that operated "www.edrugnet.com" and "www.overseas-foreign-pharmacy.com", and the affiliated web sites that linked back to them.
4. At all times material to this information, in order for a drug to be legally distributed in the United States, it had to comply with laws and regulations regarding manufacturing and labeling, and, for certain drugs, premarket approval by the U.S. Food and Drug Administration (FDA).
5. At all times material to this information, it was illegal for a United States citizen to cause the introduction or delivery for introduction into interstate commerce, by purchase,

importation, and delivery of any prescription drug without a valid prescription, without supervision of a physician, or without labeling approved by the FDA.

6. At all times material to this information, the drugs dispensed to United States citizens by "www.edrugnet.com" and "www.overseas-foreign-pharmacy.com" did not have the approval of the FDA, did not have approved labeling, were not exempt from having approved labeling, were not approved for distribution in the United States, were not an approved generic equivalent to the brand named versions of the drugs, were not distributed by state licensed distributors, and were not distributed pursuant to valid prescriptions.

7. From on or about June 6, 2008 to on or about March 2, 2012, in the Western District of Pennsylvania and elsewhere, the defendant, ANTHONY ROUSE III, knowingly and willfully did conspire, combine, confederate and agree with Duangthip Chutivaraporn (not a defendant herein) and with other persons known and unknown to the United States Attorney, to commit offenses against the United States, that is, wire fraud, in violation of Title 18, United States Code, Section 1343, mail fraud in violation of Title 18, United States Code, Section 1341, and money laundering in violation of Title 18, United States Code, Section 1956(a)(2)(A).

MANNER AND MEANS OF THE CONSPIRACY

8. It was part of the conspiracy that "www.edrugnet.com", and the affiliated web sites that linked back to it, made material false and fraudulent pretenses, representations, and promises which led United States consumers to believe that they could purchase, import, and have delivered prescription drugs without a valid prescription, without supervision of a physician, and without labeling approved by the FDA.

9. It was part of the conspiracy that "www.edrugnet.com" and "www.overseas-foreign-pharmacy.com" and the affiliated web sites that linked back to them,

falsely represented that it was licensed to ship medications to "all countries in the world" including the United States, when in truth and in fact, "www.edrugnet.com" was not licensed by FDA and/or any other local or state licensing entity in the United States to distribute drugs into the United States, and nor was the defendant, ANTHONY ROUSE III.

10. It was part of the conspiracy that "www.edrugnet.com", and the affiliated web sites that linked back to it, falsely represented that no prior prescription was needed and medications could be purchased by adding them to the shopping cart and supplying payment details and falsely represented that "we sell only authentic and quality medications, both brand and generic, approved by the FDA (U.S. Food and Drug Administration)", when in truth and in fact, the medications being distributed into commerce in the United States were not lawfully permitted to be sold without a valid prescription from a physician and without the supervision of that physician.

11. It was part of the conspiracy that "www.edrugnet.com" falsely represented that a licensed "U.S. physician will issue the prescription upon approval for free (IF necessary)", when in truth and in fact, it did not procure a valid prescription from a "U.S. physician" prior to filling orders for prescription drugs for United States customers.

12. It was part of the conspiracy that "www.edrugnet.com" and "www.overseas-foreign-pharmacy.com", and the affiliated web sites that linked back to them, transmitted these false representations using interstate wire communications over the internet to any customers who logged into the web page irrespective of their location within the United States.

13. It was part of the conspiracy that "www.edrugnet.com" shipped prescription medications purchased by United States customers into the United States using false representations as to the contents of the packages to evade seizure by United States law

enforcement officials, falsely representing to the customer that said actions and descriptions were to preserve the privacy of the customer.

14. It was part of the conspiracy that "www.edrugnet.com" concealed from credit card processors that the nature of the credit card transactions were an online purchase of prescription medications and did not permit their online pharmacy name to be listed on credit card billing documents to prevent credit card processors from declining to process prescription purchase transactions.

15. It was part of the conspiracy that the support team of "www.edrugnet.com", to prevent the rejection of customer transactions by Western Union and other wire transfer institutions, instructed customers using these institutions to pay for purchases of prescription medications, to tell the institution that the money was for relatives (family) and for a friend in need, provided the name of an individual, not the company name, as recipient of the money, and advised customers not to include the website name and any product names in the communications. It persuaded customers to do this by falsely representing to the customer that payments for commercial purposes were not allowed on Western Union and other wire transfer institutions.

16. It was part of the scheme and artifice that "www.edrugnet.com", and affiliated sites such as "www.1drugstore-online.com", made the following sales of prescription medications to an undercover agent which were not approved for distribution in the United States, did not contain FDA approved labeling, were not FDA approved generics for brand named medications, and were not distributed pursuant to valid prescriptions from United States physicians:

Buy 1 - On July 15, 2009, Tamiflu, manufactured by Roche Labs, was purchased and later received in a parcel that had a customs declaration which indicated that it contained a "Gift".

Buy 2 - On September 8, 2009, brand Pfizer Viagra, Roche Tamiflu and Roche Accutane were purchased and later received in a parcel that had a customs declaration which indicated that it contained a "sample".

Buy 3 - On July 1, 2010, medications purporting to be generic Abilify, generic Viagra and brand-name Zyprexa, manufactured by Eli Lilly were purchased and later received in a parcel that had a customs declaration which indicated that it contained a "sample".

Buy 5 - On August 9, 2010, generic Viagra, generic Tamiflu and brand-name Roche Tamiflu were purchased and later received in parcels that had a customs declaration which indicated that they contained a "sample".

Buy 6 - On November 5, 2010, generic Tamiflu and brandname Tamiflu were purchased in wholesale amounts and later received in parcels that had a customs declaration which indicated that they contained a "sample".

Buy 7 - On December 21, 2010, an Etonogestrel (Progesterone) Implanon (Brand) Rod Implant was purchased and later received in a parcel that had a customs declaration which indicated that it contained a "sample".

Buy 8 - On February 8, 2011, Soma and brand named AstraZeneca Seroquel were purchased and later only the Seroquel was received in a parcel that had a customs declaration which indicated that it contained a "gift". The billing on the credit card purchase indicated that it was charged to SP Media.

Buy 10 - On June 1, 2011, generic Viagra and generic Accutane were purchased and only the generic version of Viagra was received, in wholesale quantities, in parcels that had a customs declaration which indicated that they contained a "sample". The generic Viagra was shaped in the form of a blue diamond shaped pill which is the registered trademark of Pfizer.

Buy 11 - On August 2, 2011, generic Lipitor and Elavil were purchased and later received, in wholesale quantities, in parcels that had a customs declaration which indicated that they contained a "sample".

Buy 12 - On November 28, 2011, generic Tamiflu was purchased and later received, in wholesale quantities, in parcels that had a customs declaration which indicated that they contained a "sample".

17. From on or about June 6, 2008 to on or about March 2, 2012, in the Western District of Pennsylvania and elsewhere, the defendant, ANTHONY ROUSE III, participated with Duangthip Chutivaraporn (not a defendant herein), and with other persons known and unknown to

the United States Attorney, in the sale and distribution of Nubain and Fioricet over the internet in exchange for payments to be transmitted to Thailand by customers in the United States.

18. It was part of the conspiracy that "www.edrugnet.com", and affiliated sites such as "www.1drugstore-online.com", took customer orders and payments for Nubain and Fioricet via internet communications and represented that that Nubain would be shipped from a country near the USA.

19. It was part of the conspiracy that "www.edrugnet.com", and affiliated sites such as "www.1drugstore-online.com", used the defendant, ANTHONY ROUSE III, and another person, known to the United States Attorney, in the United States to obtain drug supplies for Nubain and Fioricet and to fulfill orders.

20. It was part of the conspiracy that "www.edrugnet.com", and affiliated sites such as "www.1drugstore-online.com", collected customer orders for Nubain and Fioricet, and sent spreadsheets to the defendant, ANTHONY ROUSE III, and another person, known to the United States Attorney, in the United States to fulfill the orders once payment had been made in full by the customer.

21. It was part of the conspiracy that the defendant, ANTHONY ROUSE III, and another person, known to the United States Attorney, shipped Nubain and Fioricet in the United States mails in a manner that concealed their identities by use of false return addresses and by the use of a variety of origin locations for the shipments.

22. It was part of the conspiracy that "www.edrugnet.com", and affiliated sites, made at least 774 sales of 1671 Nubain vials, without prescription, and made at least 258 sales of 31,710 Fioricet pills, without prescription, from on or about June 6, 2008 to on or about January 16, 2012, which orders were supplied, fulfilled, and shipped by the defendant, ANTHONY

ROUSE III, and another person, known to the United States Attorney.

23. It was part of the conspiracy that "www.edrugnet.com" paid the defendant, ANTHONY ROUSE III, and another person known to the United States Attorney, were paid part of the proceeds of the sales from Nubain and Fioricet they fulfilled by depositing their share in foreign bank accounts accessible to them via debit card.

24. It was part of the conspiracy that "www.edrugnet.com" induced customers in the Western District of Pennsylvania and elsewhere in the United States to purchase Nubain, Fioricet, and various other prescription medications and have these medications delivered to them in the United States without supplying a valid prescription, based on the false representations in paragraphs 8 through 22 above.

25. It was part of the conspiracy that "www.edrugnet.com", and the affiliated site "www.1drugstore-online.com", made the following sale of prescription medication to an undercover agent which was not distributed pursuant to a valid prescription from a United States physician:

Buy 9 - On May 3, 2011, Nubain was purchased via electronic wire communications between the Western District of Pennsylvania and a web page outside of the state of Pennsylvania.

26. It was part of the scheme and artifice that from in and around July 15, 2009 through in and around December 6, 2011, "www.edrugnet.com" received approximately \$14,759.30 in proceeds from the undercover buys.

OVERT ACTS

27. In furtherance of the conspiracy, and to effect the objects of the conspiracy, the defendant, ANTHONY ROUSE III, and other co-conspirators known and unknown to the United States Attorney, did commit and cause to be committed, the following overt acts, among others, in the Western District of Pennsylvania and elsewhere:

28. On or about May 3, 2011, Duangthip Chutivaraporn, through "www.edrugnet.com", and the affiliated site "www.1drugstore-online.com" caused the order number for a purchase transaction of Nubain to be transmitted by an electronic wire communication from a web page outside of the state of Pennsylvania into the Western District of Pennsylvania.

29. On or about May 3, 2011, Duangthip Chutivaraporn, through "www.edrugnet.com", and the affiliated site "www.1drugstore-online.com" caused an email communication to be sent into the Western District of Pennsylvania to the undercover agent from a web page outside of the state of Pennsylvania which indicated that the online pharmacy site was processing the order.

30. On or about May 3, 2011, Duangthip Chutivaraporn, through "www.edrugnet.com", and the affiliated site "www.1drugstore-online.com" caused an email communication to be sent into the Western District of Pennsylvania to the undercover agent from a web page outside of the state of Pennsylvania which described the name of the person in Thailand to whom payment for the Nubain purchase order should be made using a wire transfer.

31. On May 5, 2011, at the request of Duangthip Chutivaraporn, \$275 was wire transferred using Western Union in the Western District of Pennsylvania to Bangkok Thailand to cover the purchase price of the Nubain ordered on May 3, 2011.

32. On or about May 20, 2011, the defendant, ANTHONY ROUSE III, and another person known to the United States Attorney, caused a package to be placed in the United States Mail to be delivered in the Western District of Pennsylvania to the undercover agent containing Nubain.

33. On or about December 1, 2011, Duangthip Chutivaraporn, through "www.edrugnet.com", and an affiliated site caused an email communication to be sent into the Western District of Pennsylvania to the undercover agent from a web page outside of the state of Pennsylvania which requested that a wire transfer be used to pay for the purchase of 500 tablets of GPO-A-Flu, a counterfeit version of Tamiflu ordered on November 28, 2011.

34. On or about December 6, 2011, a wire transfer of \$2,710.50 in funds were transmitted to a bank in Hong Kong at the request of Duangthip Chutivaraporn, through "www.edrugnet.com", and an affiliated site to cover the purchase of 500 tablets of GPO-A-Flu.

35. From on or about December 1, 2011 through on or about December 27, 2011, the exact date being unknown, Duangthip Chutivaraporn, through "www.edrugnet.com", and the affiliated sites shipped 20 foil packets of tablets of GPO-A-Flu from Bangkok, Thailand to Cranberry Township, Pennsylvania by EMS.

36. From on or about December 1, 2011 through on or about December 27, 2011, the exact date being unknown, Duangthip Chutivaraporn, through "www.edrugnet.com", and the affiliated sites shipped 10 empty boxes of GPO-A-FLU and 20 foil packets of tablets of GPO-A-Flu from Bangkok, Thailand to Cranberry Township, Pennsylvania by EMS.

37. On or about January 23, 2012, Duangthip Chutivaraporn, through "www.edrugnet.com", and the affiliated sites caused an email communication to be sent into the Western District of Pennsylvania to the undercover agent from a web page outside of the state of

Pennsylvania which stated that the remaining portion of the GPO-A-FLU ordered on November 28, 2011 was so large a quantity of boxes that they would raise attention from the government, so they were upgraded to the brand name drug, Tamiflu.

38. From on or about February 6, 2012 through on or about February 18, 2012, the exact date being unknown, Duangthip Chutivaraporn, through "www.edrugnet.com", and the affiliated site "www.1drugstore-online.com" shipped generic Medrol from Bangkok, Thailand to a customer in Butler, Pennsylvania in the Western District of Pennsylvania.

39. On or about March 2, 2012, the defendant, TROY TAPIA, and another person known to the United States Attorney, possessed quantities of Nubain and Fioricet at a location in Raceland, Louisiana for the purpose of fulfilling customer orders that Duangthip Chutivaraporn obtained through "www.edrugnet.com" and the affiliated sites.

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

COUNT TWO

The United States Attorney further charges that:

40. Paragraphs 1 through 6, and 8 through 39 above, are hereby realleged and incorporated by reference herein, as if fully stated.

41. From on or about June 6, 2008 to on or about March 2, 2012, in the Western District of Pennsylvania and elsewhere, the defendant, ANTHONY ROUSE III, devised, and intended to devise, a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, described in Paragraphs 1 through 6 and 8 through 39 above, knowing at the time that the pretenses, representations and promises were false and fraudulent when made.

42. On or about the dates set forth below, in the Western District of Pennsylvania, for the purpose of executing the aforesaid scheme and artifice described in Paragraphs 1 through 6, and 8 through 38 above, and intending to devise, the defendant, ANTHONY ROUSE III, did transmit, and cause to be transmitted, in interstate and foreign commerce, by means of the electronic communication listed hereafter:

COUNT	DATE (ON OR ABOUT)	WIRE	DETAILS
2	5/3/11	Email	Communication from contact@1drugstore-online.com in Thailand to a Gmail email account to be read by the recipient in the Western District of Pennsylvania supplying the name to whom the wire payment for the order should be sent and telling the recipient to lie to the wire transmitter about the purpose for the money being wired.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT THREE

The United States Attorney further charges that:

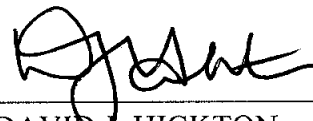
43. Paragraphs 1 through 6, and 8 through 39 above, are hereby realleged and incorporated by reference herein, as if fully stated.

44. From on or about June 6, 2008 to on or about March 2, 2012, in the Western District of Pennsylvania and elsewhere, the defendant, ANTHONY ROUSE III, devised, and intended to devise, a scheme and artifice to defraud and for obtaining money and property by means of false and fraudulent pretenses, representations and promises, described in Paragraphs 1 through 6 and 8 through 38 above, knowing at the time that the pretenses, representations and promises were false and fraudulent when made.

45. On or about the date set forth below, in the Western District of Pennsylvania, for the purpose of executing the aforesaid scheme and artifice, described in Paragraphs 1 through 6, and 8 through 39 above, the defendant, ANTHONY ROUSE III, did cause to be taken and received, from the U.S. mails, the mail matter listed hereafter:

COUNT	DATE (ON OR ABOUT)	SENDER	MAIL MATTER AND ADDRESSEE
3	5/20/11	3858 W. Main Street Houma, LA 70360	Phillace Conner 1739 E. Carson Street Box 236 Pittsburgh, PA 15203 Nubain By US Postal Service

In violation of Title 18, United States Code, Sections 1341 and 2.



DAVID J. HICKTON
United States Attorney
PA ID NO. 34524

AO 455 (Rev. 01/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT
for the
Western District of Pennsylvania

United States of America

v.

Anthony Rouse III

Defendant

)
)
)
)
)

Case No. 16-190

WAIVER OF AN INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.)
)
 ANTHONY ROUSE III)

Criminal No. 16-190

ARRAIGNMENT PLEA

Defendant ANTHONY ROUSE III
being arraigned, pleads _____
in open Court this _____ day of
_____, 2016.

(Defendant's Signature)

(Attorney for Defendant)

16-190

CRIMINAL CASE INFORMATION SHEET

Pittsburgh X Erie Johnstown

Related to No. 12-256 Judge Joy Flowers Conti
(All criminal prosecutions arising out of the same criminal transaction or series of transactions are deemed related).

CATEGORY 1. Narcotics and Other Controlled Substances

- 1a. Narcotics and Other Controlled Substances
(3 or more Defendants)
- 2. X Fraud and Property Offenses
- 2a. Fraud and Property Offenses
(3 or more Defendants)
- 3. Crimes of Violence
- 4. Sex Offenses
- 5. Firearms and Explosives
- 6. Immigration
- 7. All Others

Defendant's name: Anthony Rouse III

Is Indictment waived: X Yes No

Pretrial Diversion: Yes X No

Juvenile proceeding: Yes X No

Defendant is: X Male Female

Superseding Indictment or Information Yes X No

Previous case number: _____

If superseding, previous case was/will be:

- Dismissed on defendant's motion
- Dismissed on governments' motion
- After appellate action
- Other (explain)

County in which first offense cited occurred: Allegheny County

Previous proceedings before Magistrate Judge: _____

Case No.: _____

PLEASE INCORPORATE MAGISTRATE CASE WITH CRIMINAL CASE

Date arrested or date continuous U.S. custody began:

Defendant:

_____ is in custody is not in custody

Name of Institution:

Custody is on:

_____ this charge _____ another charge

_____ another conviction

_____ State _____ Federal

Detainer filed:

_____ yes _____ no

Date detainer filed:

Total defendants:

1

Total counts:

3

Data below applies to defendant No.:

1

Defendant's name:

Anthony Rouse III

COUN

T U.S. CODE

OFFENSE

FELONY

1 18 U.S.C. § 371

Conspiracy

X

2 18 U.S.C. §§ 1343 and 2

Wire Fraud

X

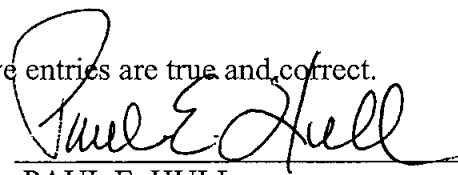
3 18 U.S.C. §§ 1341 and 2

Mail Fraud

X

I certify that to the best of my knowledge the above entries are true and correct.

DATE: SEP -1 2016



PAUL E. HULL
Assistant U.S. Attorney
PA ID No. 35302