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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Criminal No. 19-cr-300 <u>41</u> -MGM
)	
v.	)	Violations:
)	
RYAN M. STABILE,	)	<u>Count One</u> : Conspiracy
	)	(18 U.S.C. § 371)
)	
Defendant	)	<u>Counts Two and Three</u> : Introduction of
	)	Misbranded Drugs with Intent to Defraud and
	)	Mislead; Aiding and Abetting
	)	(21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C.
	)	§ 2)
)	
	)	<u>Forfeiture Allegation</u> :
	)	(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C.
	)	§ 2461(c))

INDICTMENT

At all times relevant to this Indictment:

General Allegations

1. Defendant RYAN M. STABILE was a resident of California.
2. STABILE was the owner of Ultra Vulgar Media, LLC, and owner and Chief Executive Officer of Supplements for Work. Supplements for Work sold nootropics, a class of drugs and supplements that claim to enhance mood and cognitive functioning, online to consumers.
3. Chinese Company #1 was a company located in China that did business through the internet to ship drugs to the United States.
4. Jane Doe #1 was a resident of China who worked for Chinese Company #1.
5. Jane Doe #2 was employed by Supplements for Work and resided in California.

6. John Doe #1 was employed by Supplements for Work and resided in Massachusetts.

7. STABILE and Supplements for Work operated the websites supplementsforwork.com, buytianeptinesodium.com, supplements4work.com, which redirected to supplementsforwork.com, and rcsupplydirect.com (collectively, the “websites”).

8. The websites sold various forms of tianeptine (including tianeptine sodium, tianeptine sulfate, and tianeptine free acid). The websites displayed disclaimers that sales of tianeptine were for research purposes only, and not intended for human consumption.

9. Despite these disclaimers, STABILE used the websites to sell tianeptine to consumers for personal use.

10. The Federal Food, Drug, and Cosmetic Act (“FDCA”), 21 U.S.C. § 301 *et seq.*, regulated, among other things, the importation, manufacture, labeling, and distribution of drugs and food. The FDCA gave the United States Food and Drug Administration (“FDA”) the authority to further regulate the importation, manufacture, labeling, and distribution of drugs and food to protect the health and safety of the American public.

11. Under the FDCA, the term “drug” was defined in relevant part as: (1) any article intended for use in the cure, mitigation, treatment, or prevention of disease in humans; or (2) any article other than food intended to affect the structure or any function of the human body. 21 U.S.C. § 321(g)(1)(B) and (C).

12. Some of the drugs regulated under the FDCA were “prescription drugs.” “Prescription drugs” were those drugs which, because of their toxicity or other potential harmful effects, or the method of their use, or the collateral measures necessary to their use, were not safe

for use except under the supervision of a practitioner licensed by law to administer such drugs, or which were required to be administered under the professional supervision of a practitioner licensed by law to administer such drugs. 21 U.S.C. § 353(b)(1)(A) and (B).

13. Tianeptine, when sold as a mood enhancer or as a nootropic, or when otherwise intended to treat or mitigate a disease or to affect the structure or any function of the human body, was a “drug” within the meaning of 21 U.S.C. § 321(g)(1), and a “prescription drug” within the meaning of 21 U.S.C. § 353(b)(1).

14. The FDCA prohibited the introduction or delivery for introduction into interstate commerce of any drug that was misbranded. 21 U.S.C. § 331(a).

15. A drug was misbranded if it was a “prescription drug” dispensed without the prescription of a practitioner licensed by law to administer “prescription drugs.”

16. A drug was misbranded if its labeling did not bear adequate directions for its use. 21 U.S.C. § 352(f)(1). “Adequate directions for use” meant directions adequate for a layperson to use the drug safely and for the purpose for which it was intended. 21 C.F.R. § 201.5. Among other things, directions for use may be inadequate because of the omission of statements of all the uses for which the drug is intended, quantity of dose, frequency of administration, and route or method of administration.

17. A drug was misbranded if its labeling was false or misleading in any particular. 21 U.S.C. § 352(a).

Object of the Conspiracy

18. It was the object of the conspiracy to obtain money by unlawfully importing tianeptine into the United States, and then distributing the drug to customers throughout the United States.

Manner and Means of the Conspiracy

19. Among the manner and means by which STABILE and coconspirators, known and unknown to the Grand Jury, carried out the conspiracy were the following:

- a. Purchasing tianeptine from suppliers in China and importing tianeptine into the United States;
- b. Mislabeling tianeptine before and during importation into the United States to avoid detection by the United States Customs and Border Protection (“CBP”);
- c. Using multiple United States addresses and Post Office Boxes to receive tianeptine from China in order to avoid detection by CBP;
- d. Making false statements to CBP in order to obtain the release of tianeptine seized by CBP; and
- e. Selling tianeptine to customers as a nootropic and labeling tianeptine “for research purposes only.”

Acts in Furtherance of the Conspiracy

20. Set forth below are examples of acts that STABILE and coconspirators known and unknown to the Grand Jury took and caused to be taken in furtherance of the conspiracy:

- a. On or about May 4, 2017, STABILE created and registered the domain name supplements4work.com.
- b. In or about November and December 2017, STABILE and Jane Doe #2 ordered and paid for tianeptine from Chinese Company #1.

- c. In or about December 2017, Jane Doe #1 shipped to John Doe #1 a package containing approximately 1.35 kilograms of tianeptine, labeled, “Product: Beta-glucan sample,” “free sample for testing purpose only” (the “Package”).
- d. After CBP seized the Package, John Doe #1 filed a petition on or about February 12, 2018 to have the Package released, stating, among other things, that: (1) the Package was mislabeled as Beta-glucan because Supplements for Work often orders Beta-glucan and the shipping documents were “mixed up;” and (2) the tianeptine was for research and development purposes only.
- e. On or about March 17, 2018, John Doe #1 sent a letter to an FDA representative, providing phone and e-mail contact information for Jane Doe #2, in order to facilitate the release of the Package.
- f. On or about March 29, 2018, Jane Doe #2 called an FDA representative by telephone to inquire about the status of the Package, stating that John Doe #1 was receiving the Package on behalf of Supplements for Work.
- g. On or about May 7, 2018, Jane Doe #2 spoke with an FDA representative by telephone and provided the Supplements for Work address in Los Angeles, California as a new delivery address.
- h. Before shipping tianeptine to Supplements for Work customers in the United States, STABILE and his coconspirators affixed labels stating the following: “This product is not FDA approved and is not intended to diagnose, treat, cure or prevent any disease. Not intended for human consumption. For research purposes only. ”

COUNT ONE
Conspiracy
(18 U.S.C. § 371)

The Grand Jury charges:

21. The Grand Jury re-alleges and incorporates by reference paragraphs 1-20 of this Indictment.

22. From in or about May 2017, through on or about October 24, 2019, in the District of Massachusetts, and elsewhere, the defendant,

RYAN M. STABILE,

knowingly and willfully conspired with others known and unknown to the Grand Jury to: (1) fraudulently and knowingly import tianeptine into the United States contrary to law, that is, 21 U.S.C. § 331(a) (introduction into interstate commerce of misbranded drugs), and 18 U.S.C. § 542 (importing by means of false statements); and (2) receive, conceal, buy, sell, and in any manner facilitate the transportation, concealment, and sale of tianeptine after importation, knowing the same to have been imported into the United States contrary to law, that is 21 U.S.C. § 331(a) (introduction into interstate commerce of misbranded drugs), and 18 U.S.C. § 542 (importing by means of false statements); in violation of Title 18, United States Code, Section 545.

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

COUNTS TWO AND THREE

Introduction of Misbranded Drugs with the Intent to Defraud and Mislead; Aiding and Abetting
(21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2)

The Grand Jury further charges:

23. The Grand Jury re-alleges and incorporates by reference paragraphs 1-20 of this Indictment.

24. On or about the dates listed below, in the District of Massachusetts, and elsewhere, the defendant,

RYAN M. STABILE,

with the intent to defraud and mislead, caused the introduction and delivery for introduction into interstate commerce, to the locations listed below, the drug tianeptine, which, when introduced and delivered for introduction into interstate commerce, was misbranded within the meaning of: (1) Title 21, United States Code, Section 352(a), in that its labeling was false and misleading; (2) Title 21, United States Code, Section 352(f)(1), in that its labeling failed to bear adequate directions for use; and (3) Title 21, United States Code, Section 353(b)(1), in that it was a prescription drug dispensed without the prescription of a practitioner licensed to administer prescription drugs; each such instance being a separate Count:

COUNT	APPROXIMATE DATE SHIPPED	QUANTITY	SHIPPED TO
Two	May 15, 2018	20 grams	Springfield, Massachusetts
Three	May 17, 2018	10 grams	Lynnfield, Massachusetts

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

FORFEITURE ALLEGATION
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

The Grand Jury further finds:

1. Upon conviction of the offense in violation of Title 18, United States Code, Section 371, set forth in Count One of this Indictment, the defendant,

RYAN M. STABILE,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense. The property to be forfeited includes, but is not limited to, the following:

a. \$1,833,922.13, to be entered in the form of a forfeiture money judgment.

2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant –

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third party;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

A TRUE BILL


FOREPERSON


DEEPIKA BAINS SHUKLA
ASSISTANT UNITED STATES ATTORNEY
DISTRICT OF MASSACHUSETTS

District of Massachusetts: October 24, 2019
Returned into the District Court by the Grand Jurors and filed.


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