

EXHIBIT A

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney



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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff.

v.
VICTOR CONTE, JR.,
JAMES VALENTE,
GREG ANDERSON, and
REMI KORCHEMNY.

Defendants.

) CR No.:

) VIOLATIONS: 21 U.S.C. §§ 846 and
) 841(b)(1)(D)--Conspiracy to Distribute and
) Possess With Intent to Distribute Anabolic
) Steroids; 21 U.S.C. §§ 841(a)(1) and
) (b)(1)(D)--Possession With Intent To
) Distribute Anabolic Steroids; 18 U.S.C. §
) 371 and 21 U.S.C. §§ 331(a), 331(k), and
) 333(a)(2)--Conspiracy to Defraud the United
) States Through The Introduction and
) Delivery of Misbranded Drugs With Intent
) To Defraud and Mislead, And The
) Misbranding Of Drugs Held For Sale With
) Intent To Defraud And Mislead; 21 U.S.C.
) §§ 331(a) and 333(a)(2)--Introduction and
) Delivery of Misbranded Drugs With Intent
) To Defraud And Mislead; 21 U.S.C. §§
) 331(k) and 333(a)(2)--Misbranding Of
) Drugs Held For Sale With Intent To Defraud
) And Mislead; 21 U.S.C. § 333(e)(1)--
) Possession With Intent To Distribute Human
) Growth Hormone; 18 U.S.C. § 1956(h)--
) Conspiracy To Launder Monetary
) Instruments; 18 U.S.C. § 1956(a)(1)(b)(i)--
) Money Laundering; 18 U.S.C. § 2--Aiding
) and Abetting and Willfully Causing; 18
) U.S.C. § 982 and 21 U.S.C. §§ 853 and 881-
) -Criminal Forfeiture

SAN FRANCISCO VENUE

INDICTMENT

INDICTMENT

1 The Grand Jury charges:

2 INTRODUCTORY ALLEGATIONS

3 At all times relevant to this Indictment:

4 1. The Bay Area Lab Co-Operative ("Balco") was a blood-testing laboratory located in
5 Burlingame, California.

6 2. SNAC System, Incorporated ("SNAC") was a nutritional supplement company
7 operated by Victor Conte, Jr. out of Balco's office space in Burlingame, California.

8 3. Defendant Victor Conte, Jr. ("Conte") was the president and chief executive officer of
9 Balco. While operating Balco, Conte and others conspired to distribute performance-enhancing
10 drugs, including anabolic steroids, human growth hormone ("HGH"), erythropoietin ("EPO"),
11 modafinil, and various other prescription drugs, to dozens of professional athletes.

12 4. Defendant James Valente ("Valente") was the vice-president of Balco. In his role as
13 vice-president, Valente aided Conte in the distribution of performance-enhancing drugs to
14 professional athletes.

15 5. Defendant Greg Anderson ("Anderson") was a personal trainer in the Burlingame area
16 who purchased performance-enhancing drugs from Balco and distributed them to professional
17 athletes.

18 6. Defendant Remi Korchemny ("Korchemny") was a track coach working in the San
19 Francisco Bay Area who acquired performance-enhancing drugs from Conte and provided them
20 to track athletes.

21 7. Under the Federal Food, Drug, and Cosmetic Act (FDCA), drugs were defined as
22 articles intended for use in the cure, mitigation, treatment, or prevention of disease in man (21
23 U.S.C. §321(g)(1)(B)); articles intended to affect the structure or function of the body of man (21
24 U.S.C. §321(g)(1)(C)); and articles intended for use as components of other drugs (21 U.S.C.
25 § 321(g)(1)(D)). A drug intended for use in man which, because of its toxicity, or other
26 potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its
27 use, was not safe for use except under the supervision of a practitioner licensed by law to
28 administer such drug; and a drug which was limited by an approved application under 21 U.S.C.

1 § 355 to use under the professional supervision of a practitioner licensed by law to administer
2 such drug, could only be dispensed by a practitioner licensed by law pursuant to a lawful
3 prescription. 21 U.S.C. § 353(b)(1). These drugs were commonly known as "prescription
4 drugs."

5 8. Under the FDCA, every person upon first engaging in the manufacture, preparation,
6 propagation, compounding, or processing of drugs in any establishment he or she owned or
7 operated was required to immediately register his or her name, places of business, and all such
8 establishments. 21 U.S.C. § 360(c). The terms "manufacture, preparation, propagation,
9 compounding, or processing" included repackaging or otherwise changing the container,
10 wrapper, or labeling of any drug in furtherance of the distribution of the drug from the original
11 place of manufacture to the person who makes the final sale to the ultimate consumer or user. 21
12 U.S.C. § 360(a)(1).

13 9. The term "labeling" was defined as all labels and other printed or graphic matter upon
14 any article or any of its containers or wrappers, or accompanying such article. 21 U.S.C.
15 § 321(m)

16 10. A drug was misbranded if, among other things:

- 17 a. its labeling was false or misleading in any particular (21 U.S.C. 352(a));
- 18 b. the drug was in package form and did not bear a label containing the name and
19 place of business of the manufacturer, packer, or distributor (21 U.S.C. § 352(b));
- 20 c. the labeling on the drug did not bear adequate directions for use (21 U.S.C. §
21 352(f)(1));
- 22 d. the labeling on the drug did not bear such adequate warnings against use in
23 those pathological conditions, and by children where its use may be dangerous to
24 health, and against unsafe dosage and methods and duration of administration and
25 application, in such manner and form, as were necessary for the protection of
26 users (21 U.S.C. § 352(f)(2));
- 27 e. the drug was dangerous to health when used in the dosage and manner and with
28 the frequency and duration prescribed, recommended, and suggested in the

1 labeling thereof (21 U.S.C. § 352(j)); or
2 f. the drug was a prescription drug dispensed without a prescription (21 U.S.C.
3 § 353(b)(1))

4 11. The term "human growth hormone" meant somatrem, somatropin, or an analogue of
5 either somatrem or somatropin. 21 U.S.C. § 333(e)(4). Somatropin was a synthetic or naturally
6 occurring growth hormone from the human pituitary gland. Somatrem was an analogue of
7 somatropin.

8 12. The term "anabolic steroid" meant any drug or hormonal substance, chemically and
9 pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids)
10 that promoted muscle growth, and included testosterone and nandrolone and their analogues. 21
11 U.S.C. § 802(41)(A).

12 COUNT ONE: (21 U.S.C. §§ 846 and 841(b)(1)(D) -- Conspiracy to Distribute and Possess
13 With Intent To Distribute Anabolic Steroids)

14 13. Paragraphs One Through Twelve are hereby realleged and incorporated by reference
15 as if set forth in full herein.

16 14. On or about and between December 1, 2001, and September 3, 2003, in San Mateo
17 County, in the Northern District of California, and elsewhere, the defendants

18 VICTOR CONTE, JR.,
19 JAMES VALENTE,
GREG ANDERSON, and
REMI KORCHEMNY,

20 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to
21 distribute and possess with intent to distribute a Schedule III controlled substance, to wit: the
22 anabolic steroid testosterone, in violation of Title 21, United States Code Sections 841(a)(1) and
23 841(b)(1)(D).

24 OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

25 15. In furtherance of the conspiracy and to attain its ends, the defendants committed the
26 following overt acts, among others, in the Northern District of California and elsewhere:

27 a. On or about December 1, 2001, in San Mateo County, defendants Conte,
28 Valente and Korchemny distributed the anabolic steroid testosterone to a track and field athlete.

1 b. On or about February 1, 2002, in San Mateo County, defendants Conte,
2 Valente and Anderson distributed the anabolic steroid testosterone to a professional baseball
3 player.

4 c. On or about April 1, 2002, in San Mateo County, defendants Conte and
5 Valente distributed the anabolic steroid testosterone to a professional football player.

6 d. On or about September 1, 2002, in San Mateo County, defendants Conte,
7 Valente and Korchemny distributed the anabolic steroid testosterone to a track and field athlete.

8 e. On or about January 1, 2003, in San Mateo County, defendants Conte, Valente
9 and Anderson distributed the anabolic steroid testosterone to a professional baseball player.

10 f. On or about June 1, 2003, in San Mateo County, defendants Conte and Valente
11 distributed the anabolic steroid testosterone to a professional football player.

12 All in violation of Title 21, United States Code, Section 846.

13 COUNT TWO: (21 U.S.C. §§ 841(a)(1) and (b)(1)(D); 18 U.S.C. § 2--Possession With Intent
14 To Distribute Anabolic Steroids; Aiding and Abetting)

15 16. On or about December 1, 2001, in San Mateo County, in the Northern District of
16 California, the defendants

17 VICTOR CONTE,
18 JAMES VALENTE, and
19 REMI KORCHEMNY

20 did knowingly and intentionally possess with intent to distribute a Schedule III controlled
21 substance, to wit: the anabolic steroid testosterone, in violation of Title 21, United States Code,
22 Sections 841(a)(1) and (b)(1)(D) and Title 18, United States Code, Section 2.

23 COUNT THREE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(D); 18 U.S.C. § 2--Possession With Intent
24 To Distribute Anabolic Steroids; Aiding and Abetting)

25 17. On or about February 1, 2002, in San Mateo County, in the Northern District of
26 California, the defendants

27 VICTOR CONTE, JR.,
28 JAMES VALENTE, and
GREG ANDERSON

did knowingly and intentionally possess with intent to distribute a Schedule III controlled
substance, to wit: the anabolic steroid testosterone, in violation of Title 21, United States Code,

1 Sections 841(a)(1) and (b)(1)(D) and Title 18, United States Code, Section 2.

2 COUNT FOUR: (21 U.S.C. §§ 841(a)(1) and (b)(1)(D); 18 U.S.C. § 2--Possession With Intent
3 To Distribute Anabolic Steroids; Aiding and Abetting)

4 18. On or about April 1, 2002, in San Mateo County, in the Northern District of
5 California, the defendants

6 VICTOR CONTE, JR., and
7 JAMES VALENTE

8 did knowingly and intentionally possess with intent to distribute a Schedule III controlled
9 substance, to wit: the anabolic steroid testosterone, in violation of Title 21, United States Code,
10 Sections 841(a)(1) and (b)(1)(D) and Title 18, United States Code, Section 2.

11 COUNT FIVE: (21 U.S.C. §§ 841(a)(1) and (b)(1)(D); 18 U.S.C. § 2--Possession With Intent
12 To Distribute Anabolic Steroids; Aiding and Abetting)

13 19. On or about September 1, 2002, in San Mateo County, in the Northern District of
14 California, the defendants

15 VICTOR CONTE, JR.,
16 JAMES VALENTE, and
17 REMI KORCHEMNY

18 did knowingly and intentionally possess with intent to distribute a Schedule III controlled
19 substance, to wit: the anabolic steroid testosterone, in violation of Title 21, United States Code,
20 Sections 841(a)(1) and (b)(1)(D) and Title 18, United States Code, Section 2.

21 COUNT SIX: (21 U.S.C. §§ 841(a)(1) and (b)(1)(D); 18 U.S.C. § 2--Possession With Intent
22 To Distribute Anabolic Steroids; Aiding and Abetting)

23 20. On or about January 1, 2003, in San Mateo County, in the Northern District of
24 California, the defendants

25 VICTOR CONTE, JR.,
26 JAMES VALENTE, and
27 GREG ANDERSON

28 did knowingly and intentionally possess with intent to distribute a Schedule III controlled
substance, to wit: the anabolic steroid testosterone, in violation of Title 21, United States Code,
Sections 841(a)(1) and (b)(1)(D) and Title 18, United States Code, Section 2.

1 COUNT SEVEN: (21 U.S.C. §§ 841(a)(1) and (b)(1)(D); 18 U.S.C. § 2--Possession With Intent
2 To Distribute Anabolic Steroids; Aiding and Abetting)

3 21. On or about June 1, 2003, in San Mateo County, in the Northern District of
4 California, the defendants

5 VICTOR CONTE, JR.,
6 JAMES VALENTE, and
7 GREG ANDERSON

8 did knowingly and intentionally possess with intent to distribute a Schedule III controlled
9 substance, to wit: the anabolic steroid testosterone, in violation of Title 21, United States Code,
10 Sections 841(a)(1) and (b)(1)(D) and Title 18, United States Code, Section 2.

11 COUNT EIGHT: (18 U.S.C. § 371--Conspiracy To Defraud The United States)

12 22. Paragraphs One Through Twelve are hereby realleged and incorporated by reference
13 as if set forth in full herein.

14 CONSPIRACY TO DEFRAUD

15 23. On or about and between September 1, 2000, and September 3, 2003, in San Mateo
16 County, in the Northern District of California, and elsewhere, the defendants

17 VICTOR CONTE, JR.,
18 JAMES VALENTE,
19 GREG ANDERSON, and
20 REMI KORCHEMNY,

21 and others known and unknown to the Grand Jury, did knowingly and intentionally conspire to
22 defraud the United States, that is the defendants conspired to:

- 23 a. introduce and deliver for introduction into interstate commerce, with the intent
24 to defraud and mislead, misbranded drugs, in violation of Title 21, United
25 States Code, Sections 331(a) and 333(a)(2); and
- 26 b. misbrand a drug while it was held for sale, after receiving it in interstate
27 commerce, with the intent to defraud and mislead in violation of Title 21,
28 United States Code, Sections 331(k) and 333(a)(2).

29 MANNER AND MEANS OF THE CONSPIRACY

30 24. It was part of the conspiracy to defraud that defendants Conte, Valente, Anderson,
31 and Korchemny knowingly distributed to professional athletes an anabolic steroid in the form of
32 a testosterone-based cream, a/k/a "The Cream," without adequate directions regarding its use in
33 its labeling. The anabolic steroid had been mixed with an epitestosterone cream prior to its

1 distribution to athletes specifically with the intention of balancing the user's
2 testosterone/epitestosterone ratio, thus concealing the individual athlete's elevated testosterone
3 level from drug testing.

4 25. It was further part of the conspiracy to defraud that defendants Conte, Valente,
5 Anderson, and Korchemny knowingly distributed to athletes a liquid drug "The Clear," a/k/a
6 tetrahydrogestrinone, a/k/a "THG," without adequate directions regarding its use in its labeling,
7 and recommended the substance to athletes as a "designer steroid," or "steroid-like derivative,"
8 which would provide "steroid-like" effects without causing the athlete to test positive for
9 steroids

10 26. It was further part of the conspiracy to defraud that defendants Conte, Valente,
11 Anderson, and Korchemny knowingly distributed to athletes a prescription drug, human growth
12 hormone a/k/a "HGH", without a valid prescription and for a purpose other than treatment of a
13 disease or recognized medical condition for which its use had been authorized by the Secretary of
14 the Department of Health and Human Services.

15 27. It was further part of the conspiracy to defraud that defendants Conte, Valente, and
16 Korchemny knowingly dispensed to athletes a prescription drug, erythropoietin a/k/a/ "EPO"
17 without a valid prescription and for the purpose of affecting the function of the body, to wit:
18 increasing the red cell count in the bloodstream.

19 28. It was further a part of the conspiracy to defraud that defendants Conte, Valente, and
20 Korchemny knowingly dispensed to athletes the prescription drug modafinil without a valid
21 prescription and for the purpose of affecting the function of the body, to wit: increasing
22 wakefulness and the ability to focus and think clearly.

23 29. It was further a part of the conspiracy to defraud that in connection with the
24 distribution and dispensing of drugs described in paragraphs 24-28 above, the defendants Conte,
25 Valente, Anderson, and Korchemny attempted to conceal their illegal activities from the Food
26 and Drug Administration and law enforcement through the following techniques:

- 27 a. using false names on the mailing labels of packages containing drugs;
28 b. trafficking specifically in drugs which were either designed to avoid
detection as controlled substances or substances for which no accurate testing

- 1 procedure existed:
- 2 c. referring to drugs in correspondence and conversation by shorthand
- 3 abbreviations and codes, such as "The Cream," "C," "The Clear," "Liquid,"
- "L," "G," "E," "P," and "Vitamin S;"
- 4 d. dispensing "The Cream" and "The Clear" in plain unlabeled plastic bottles
- 5 without any directions for the use of the product, or information on the nature
- 6 of the substance;
- 7 e. informing the athletes receiving the substances of the need to be careful
- 8 and secretive regarding their use of the drugs;
- 9 f. providing athletes with false cover stories regarding the nature of the drugs
- 10 to provide to authorities; and
- 11 g. entering into agreements with athletes by which athletes provided
- 12 endorsements for ZMA, a nutritional supplement sold by Conte, in exchange
- 13 for drugs, thus disguising a portion of the proceeds otherwise traceable to
- 14 Conte.

15 OVERT ACTS IN FURTHERANCE OF THE CONSPIRACY

16 30 In furtherance of the conspiracy and to attain its ends, the defendants committed the

17 following overt acts, among others, in the Northern District of California and elsewhere:

18 a. On or about April 23, 2001, in San Mateo County, defendants Conte, Valente,

19 and Korchemny distributed "Clear," "HGH," and "EPO" to a track and field athlete without a

20 valid prescription from a licensed practitioner.

21 b. On or about July 23, 2001, in San Mateo County, defendants Conte, Valente,

22 and Korchemny distributed "Clear," "HGH," and "EPO" to a professional track and field athlete

23 without a valid prescription from a licensed practitioner.

24 c. On or about November 5, 2001, in San Mateo County, defendant Anderson

25 distributed "HGH" to a professional baseball player without a valid prescription from a licensed

26 practitioner.

27 d. On or about December 1, 2001, in San Mateo County, defendants Conte,

28 Valente, and Korchemny distributed "Cream" and "Clear" to a track and field athlete without a

valid prescription from a licensed practitioner.

e. On or about February 1, 2002, in San Mateo County, defendants Conte,

Valente, and Anderson distributed "Cream" to a professional baseball player without a valid

prescription from a licensed practitioner.

1 f. On or about April 1, 2002, in San Mateo County, defendants Conte and
2 Valente distributed "Cream" to a professional football player without a valid prescription from a
3 licensed practitioner.

4 g. On or about June 11, 2002, in San Mateo County, defendants Conte, Valente,
5 and Korchemny distributed modafinil to a track and field athlete without a valid prescription from
6 a licensed practitioner.

7 h. On or about July 13, 2002, in San Mateo County, defendants Conte, Valente,
8 and Anderson distributed "Clear" to a professional baseball player without a valid prescription
9 from a licensed practitioner.

10 i. On or about September 1, 2002, in San Mateo County, defendants Conte and
11 Korchemny distributed "Cream" to a track and field athlete without a valid prescription from a
12 licensed practitioner.

13 j. On or about November 25, 2002, in San Mateo County, defendant Anderson
14 distributed "HIGH" to a professional baseball player without a valid prescription from a licensed
15 practitioner.

16 k. On or about January 1, 2003, in San Mateo County, defendants Conte, Valente,
17 and Anderson distributed "Cream" and "Clear" to a professional baseball player without a valid
18 prescription from a licensed practitioner.

19 l. On or about January 24, 2003, in San Mateo County, defendants Conte,
20 Valente, and Anderson distributed "Clear" to a professional baseball player without a valid
21 prescription from a licensed practitioner.

22 m. On or about March 5, 2003, in San Mateo County, defendants Conte, Valente,
23 and Anderson distributed "Clear" to a professional football player without a valid prescription
24 from a licensed practitioner.

25 n. On or about June 1, 2003, in San Mateo County, defendants Conte and
26 Korchemny distributed "EPO" to a track and field athlete without a valid prescription from a
27 licensed practitioner.

28 o. On or about June 1, 2003, in San Mateo County, defendants Conte and Valente

1 distributed "Cream" to a professional football player without a valid prescription from a licensed
2 practitioner.

3 p. On or about July 3, 2003, in San Mateo County, defendants Conte and Valente
4 distributed "Clear" and modafinil to a track and field athlete without a valid prescription from a
5 licensed practitioner.

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

7 COUNT NINE: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2-- Introduction/Delivery for
8 Introduction of Misbranded Drugs With Intent To Defraud And Mislead; Aiding
and Abetting)

9 31 On or about February 1, 2002, in San Mateo County, in the Northern District of
10 California, the defendants

VICTOR CONTE, JR.,
JAMES VALENTE, and
GREG ANDERSON

11
12 did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate
13 commerce a drug they described as "The Cream," an anabolic steroid in the form of a
14 testosterone-based cream, which was misbranded:

- 15 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did
16 not bear a label containing the name and place of business of the manufacturer,
17 packer, or distributor; and
- 18 b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
19 directions for use, and also failed to bear adequate warnings against its use in
20 those pathological conditions or by children whereby its use might be
21 dangerous to health, or against unsafe dosage or methods or duration of
22 administration or application.

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

25 COUNT TEN: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2--Introduction/Delivery for
26 Introduction of Misbranded Drugs With Intent To Defraud And Mislead;
27 Aiding and Abetting)

28 32 On or about April 1, 2002, in San Mateo County, in the Northern District of
California, the defendants

VICTOR CONTE, JR., and
JAMES VALENTE

did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate

1 commerce a drug they described as "The Cream," an anabolic steroid in the form of a
2 testosterone-based cream, which was misbranded:

3 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and
4 did not bear a label containing the name and place of business of the
manufacturer, packer, or distributor; and

5 b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
6 directions for use, and also failed to bear adequate warnings against its use in
7 those pathological conditions or by children whereby its use might be
dangerous to health, or against unsafe dosage or methods or duration of
administration or application.

8 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title
9 18, United States Code, Section 2.

10 COUNT ELEVEN: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2--Introduction/Delivery
11 For Introduction of Misbranded Drugs With Intent To Defraud And
Mislead; Aiding and Abetting)

12 33 On or about July 13, 2002, in San Mateo County, in the Northern District of
13 California, the defendants

14 VICTOR CONTE, JR.,
15 JAMES VALENTE, and
16 GREG ANDERSON

17 did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate
18 commerce a drug they described as "The Clear," also known as tetrahydrogestrinone, a/k/a
"THG," which was misbranded:

19 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did
20 not bear a label containing the name and place of business of the manufacturer,
packer, or distributor; and

21 b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
22 directions for use, and also failed to bear adequate warnings against its use in
23 those pathological conditions or by children whereby its use might be
dangerous to health, or against unsafe dosage or methods or duration of
administration or application.

24 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title
25 18, United States Code, Section 2.

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1 COUNT TWELVE: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2-
2 Introduction/Delivery For Introduction of Misbranded Drugs With Intent
3 To Defraud And Mislead; Aiding and Abetting)

3 34. On or about January 1, 2003, in San Mateo County, in the Northern District of
4 California, the defendants

5 VICTOR CONTE, JR.,
6 JAMES VALENTE, and
7 GREG ANDERSON

7 did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate
8 commerce a drug they described as "The Cream," an anabolic steroid in the form of a
9 testosterone-based cream, which was misbranded:

- 10 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did
11 not bear a label containing the name and place of business of the manufacturer,
12 packer, or distributor; and
- 13 b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
14 directions for use, and also failed to bear adequate warnings against its use in
15 those pathological conditions or by children whereby its use might be
16 dangerous to health, or against unsafe dosage or methods or duration of
17 administration or application.

15 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title
16 18, United States Code, Section 2.

17 COUNT THIRTEEN: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2--Introduction/Delivery
18 For Introduction of Misbranded Drugs With Intent To Defraud And
19 Mislead; Aiding and Abetting)

19 35. On or about January 1, 2003, in San Mateo County, in the Northern District of
20 California, the defendants

21 VICTOR CONTE, JR.,
22 JAMES VALENTE, and
23 GREG ANDERSON

23 did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate
24 commerce a drug they described as "The Clear," also known as tetrahydrogestrinone, a/k/a
25 "THG," which was misbranded:

- 26 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did
27 not bear a label containing the name and place of business of the manufacturer,
28 packer, or distributor; and
- b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
directions for use, and also failed to bear adequate warnings against its use in

1 those pathological conditions or by children whereby its use might be
2 dangerous to health, or against unsafe dosage or methods or duration of
administration or application.

3 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title
4 18, United States Code, Section 2.

5 COUNT FOURTEEN: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2--
6 Introduction/Delivery For Introduction of Misbranded Drugs With Intent
To Defraud And Mislead: Aiding and Abetting)

7 36. On or about January 24, 2003, in San Mateo County, in the Northern District of
8 California, the defendants

9 VICTOR CONTE, JR.,
10 JAMES VALENTE, and
GREG ANDERSON

11 did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate
12 commerce a drug described as "The Clear," also known as tetrahydrogestrinone, a/k/a "THG,"
13 which was misbranded:

- 14 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did
15 not bear a label containing the name and place of business of the manufacturer,
packer, or distributor; and
- 16 b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
17 directions for use, and also failed to bear adequate warnings against its use in
18 those pathological conditions or by children whereby its use might be
administration or application.

19 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title
20 18, United States Code, Section 2.

21 COUNT FIFTEEN: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2--
22 Introduction/Delivery For Introduction of Misbranded Drugs With Intent
To Defraud And Mislead: Aiding and Abetting)

23 37. On or about March 5, 2003, in San Mateo County, in the Northern District of
24 California, the defendants

25 VICTOR CONTE, JR.,
26 JAMES VALENTE, and
GREG ANDERSON

27 did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate
28 commerce a drug they described as "The Clear," also known as tetrahydrogestrinone, a/k/a

1 "THG," which was misbranded:

2 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did
3 not bear a label containing the name and place of business of the manufacturer,
packer, or distributor; and

4 b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
5 directions for use, and also failed to bear adequate warnings against its use in
6 those pathological conditions or by children whereby its use might be
dangerous to health, or against unsafe dosage or methods or duration of
administration or application.

7 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title
8 18, United States Code, Section 2.

9 COUNT SIXTEEN: (21 U.S.C. §§ 331(a) and 333(a)(2); 18 U.S.C. § 2--Introduction/Delivery
10 For Introduction of Misbranded Drugs With Intent To Defraud And
Mislead; Aiding and Abetting)

11 38. On or about June 1, 2003, in San Mateo County, in the Northern District of
12 California, the defendants

13 VICTOR CONTE, JR. and
14 JAMES VALENTE

15 did, with the intent to defraud and mislead, introduce and deliver for introduction into interstate
16 commerce a drug they described as "The Cream," an anabolic steroid in the form of a
17 testosterone-based cream, which was misbranded:

18 a) as defined in 21 U.S.C. § 352(b), in that the drug was in package form and did
19 not bear a label containing the name and place of business of the manufacturer,
packer, or distributor; and

20 b) as defined in 21 U.S.C. § 352(f), in that its labeling failed to bear adequate
21 directions for use, and also did not bear adequate warnings against its use in
22 those pathological conditions or by children whereby its use might be
dangerous to health, or against unsafe dosage or methods or duration of
administration or application.

23 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2), and Title
24 18, United States Code, Section 2.

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