

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

DIA
COE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

Vs.

FELONY COMPLAINT

NO. 03CF1520

JOHN CHUN HSIUNG CHEN

05-12-51

N7939012

AKA: John Chun Hsiung

XUHUI WANG

05-14-55

D1306539

AKA: Allan Xuhui Wang

SOPHIE S. CHEN

12-20-42

AKA: Sophie S. Fan

INTERNATIONAL MEDICAL RESEARCH, INC., A

CALIFORNIA CORPORATION

dba: Botanic Lab

Defendant(s)

The Orange County District Attorney charges that in Orange County, California, the law was violated as follows:

COUNT 1: On and between May 30, 2000, and through and including May 29, 2003, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 11375(b)(1) of the Health and Safety Code (POSSESS DESIGNATED CONTROLLED SUBSTANCE FOR SALE), a FELONY, did willfully and unlawfully possess for sale Aprazolam a controlled substance listed in subdivision(c) of Health and Safety Code section 11375.

COUNT 2: On and between May 30, 2000, and through and including May 29, 2003, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110390 of the Health and Safety Code (FALSE ADVERTISING), a FELONY, did willfully and unlawfully disseminate false advertising of a drug and food.

COUNT 3: On and between May 30, 2000, and through and including May 29, 2003, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110395 of the Health and Safety Code (MANUFACTURE DRUG FALSELY ADVERTISED), a FELONY, did willfully and unlawfully manufacture, sell, deliver, hold and offer for sale falsely advertised drug and food.

COUNT 4: On and between May 30, 2000, and through and including May 29, 2003, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110398 of the Health and Safety Code (ADVERTISED ADULTERATED DRUGS), a FELONY, did willfully and unlawfully advertise drug and food that were adulterated and misbranded.

COUNT 5: On and between May 30, 2002, and through and including July 1, 2002, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 383 of the Penal Code, (DISPOSAL OF ADULTERATED FOOD), a MISDEMEANOR, did willfully and knowingly sell, keep or offer for sale, or otherwise dispose of any article of food, drink, drug or medicine, knowing that the same has been adulterated or has become tainted, decayed, spoiled or otherwise wholesome or unfit to be eaten or drunk with the intent to permit the same to be eaten or drunk.

COUNT 6: On and between May 30, 2000, and through and including May 29, 2003, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 11379(a) of the Health and Safety Code, (SALE OR TRANSPORTATION OF A CONTROLLED SUBSTANCE), a MISDEMEANOR, did willfully and unlawfully transport, import into the State of California, sell, furnish, administer, and give away, and offer to transport, import into the State of California, sell, furnish, administer, and give away, and offer to transport, import into the State of California, sell, furnish, administer, and give away, and attempt to import into the State of California and transport a controlled substance.

COUNT 7: On and between May 30, 2000, and through and including May 29, 2003, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 182(a)(4) of the Penal Code, (CONSPIRACY TO DEFRAUD ANOTHER OF PROPERTY), a FELONY, did willfully and unlawfully conspire together and with another person(s), whose identity is not known, to cheat and defraud others of property and money, by means which are criminal, and obtain money and property by false pretense and by fraud, artifice, trick and device; that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants committed the following overt act and acts, at and in the County of Orange.

OVERT ACT 1

Defendants used the business name Botanic Lab to sell their products.

OVERT ACT 2

Defendants maintained a web site "Botanic Lab.com" to advertise to the public.

OVERT ACT 3

Defendants offered products on the web-site for sale to the public.

OVERT ACT 4

Defendants publicly claimed their products were combinations of pure herbal extracts.

OVERT ACT 5



Defendants publicly claimed their products were:

- A. High quality, break through herbal formulas
- B. Unique blends of standardized extracts
- C. Supported with years of research by M. D. and PHD scientists.
- D. Checked by advanced scientific equipment for purity and strength.

OVERT ACT 6

Defendant publicly claimed they use the scientific method of Western Medicine to verify the beneficial properties of their products.

OVERT ACT 7

Defendants publicly claimed they "will create products by: sourcing ingredients from around the world, standardizing extracts of herbs used and ensuring their quality and consistency".

OVERT ACT 8

Defendants publicly asserted that: "DES was never an ingredient formulated in the composition of PC Spes".

OVERT ACT 9

Defendants represented that their products "Spes" does not contain any artificial ingredients.

OVERT ACT 10

Defendants represented that their Spes formula was "a product which increases resistance to physical, chemical and biological stress and helps support the body after long term weakness".

OVERT ACT 11

Defendants sold "food" products.

OVERT ACT 12

Defendants held for sale food products adulterated with diethylestibesterol (DES).

OVERT ACT 13

The defendants held for sale adulterated food products.

OVERT ACT 14

The defendants held or sale food products adulterated with Alprazolam.

OVERT ACT 15

The defendants held for sale food products adulterated with Warfarin/ Coumadin.

OVERT ACT 16

The Defendants held for sale food products adulterated with Indomethacin.

OVERT ACT 17

The defendants held for sale food products adulterated with ethinyl estradiol.

OVERT ACT 18

The defendants did not brand their food products with the statement that it contained the additive Aprazolam.

OVERT ACT 19

The defendants did not brand their food products with the statement that it contained the additive Diethylestibesterol (DES).

OVERT ACT 20

The defendants did not brand their food products with the statement that it contained the additive Warfarin/Coumadin.

OVERT ACT 21

The defendants did not brand their food products with the statement that it contained the additive Indemethacin.

OVERT ACT 22

The defendant did not brand their food products with the statement that it contained the additive ethinyl estradiol.

OVERT ACT 23

Defendants marketed to the public their food product called "Spes".

OVERT ACT 24

Defendants marketed to the public their food product called "PC Spes".

OVERT ACT 25

Defendants possessed their food products "RA Spes".

OVERT ACT 26

Defendnats possessed their food products "OA Plus".

OVERT ACT 27

Defendants possessed their food products "Osporo".

OVERT ACT 28

Defendants possessed their food products "Newtralis".

OVERT ACT 29

Defendants possessed their food product "Anthrin".

OVERT ACT 30

Defendants possessed their food product "Poena".

COUNT 8: On and between May 30, 2000, and through and including May 29, 2003, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 182(a)(5) of the Penal Code (CONSPIRACY TO COMMIT ANY ACT DANGEROUS TO THE PUBLIC HEALTH), a FELONY, did willfully and unlawfully conspire together and with another person and persons, whose identity is not know, to commit acts injurious to the public health by participating in, aiding, abetting and promoting the violation(s) of the California Sherman Food, Drug and Cosmetic Law, including: disseminate false advertising of a drug and/food; sell, deliver, hold and/or offer for sale a falsely advertised drug and/or food; falsely advertise a food and/or drug that was adulterated and/or misbranded; manufacture, sell, deliver, hold and/or offer for sale an adulterated drug and/or food; all felonies; that pursuant to and/or the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendants committed thru following overt act and acts, at and in the County of Orange.

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Defendants used the business name Botanic Lab to sell their products.

OVERT ACT 2

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OVERT ACT 5

Defendants publicly claimed their products were:

- E. High quality, break through herbal formulas
- F. Unique blends of standardized extracts
- G. Supported with years of research by M. D. and PHD scientists.
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Defendants publicly claimed they "will create products by sourcing ingredients from around the world, standardizing extracts of herbs used and ensuring their quality and consistency".

OVERT ACT 8

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Defendants represented that their Spes formula was "a product which increases resistance to physical, chemical and biological stress and helps support the body after long term weakness".

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The Defendants held for sale food products adulterated with Indomethacin.

OVERT ACT 17

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OVERT ACT 18

The defendants did not brand their food products with the statement that it contained the additive Aprazolam.

OVERT ACT 19

The defendants did not brand their food products with the statement that it contained the additive Diethylestibesterol (DES).

OVERT ACT 20

The defendants did not brand their food products with the statement that it contained the additive Warfarin/Coumadin.

OVERT ACT 21

The defendants did not brand their food products with the statement that it contained the additive Indemethacim.

OVERT ACT 22

The defendant did not brand their food products with the statement that it contained the additive ethinyl estradiol.

OVERT ACT 23

Defendants marketed to the public their food product called "Spes".

OVERT ACT 24

Defendants marketed to the public their food product called "PC Spes".

OVERT ACT 25

Defendants possessed their food products "RA Spes".

OVERT ACT 26

Defendants possessed their food products "OA Plus".

OVERT ACT 27

Defendants possessed their food products "Ospero".

OVERT ACT 28

Defendants possessed their food products "Neutralis".

OVERT ACT 29

Defendants possessed their food product "Arthrin".

OVERT ACT 30

Defendnats possessed their food product "Poena".

COUNT 9: On and between May 31, 2000, and through and including May 30, 2002, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110620 of the Health and Safety Code (HOLD ADULTERATED FOOD), a MISDEMEANOR, did willfully and unlawfully manufacture, sell, deliver, hold or offer for sale adulterated food.

COUNT 10: On and between May 31, 2000, and through and including May 30, 2002, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110630 of the Health and Safety Code (RECEIVE ADULTERATED FOOD), a MISDEMEANOR, did willfully and unlawfully receive in commerce, deliver and offer to deliver adulterated food.

COUNT 11: On and between May 31, 2000, and through and including May 30, 2002, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110760 of the Health and Safety Code (HOLD MISBRANDED FOOD), a MISDEMEANOR, did willfully and unlawfully manufacture, sell, deliver, hold and offer for sale misbranded food.

COUNT 12: On and between May 31, 2000, and through and including May 30, 2002, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110765 of the Health and Safety Code (MISBRAND FOOD), a MISDEMEANOR, did willfully and unlawfully misbrand food.

COUNT 14: On and between May 31, 2000, and through and including May 30, 2002, and each and everyday thereof constituting a new and separate violation, JOHN CHUN HSIUNG CHEN, XUHUI WANG, SOPHIE S. CHEN and INTERNATIONAL MEDICAL RESEARCH, INC., A CALIFORNIA CORPORATION dba: BOTANIC LAB, in violation of Section 110770 of the Health and Safety Code (RECEIVE MISBRANDED FOOD), a MISDEMEANOR, did willfully and unlawfully receive in commerce, deliver and offer to deliver misbranded food.

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I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated May 8, 2003 at Orange County, California.

BN:jd 03F03351

TONY RAGKAUCKAS, DISTRICT ATTORNEY

by _____ Deputy
Complainant

- Restitution Claimed
- None
- \$
- To Be Determined

NOTICE TO DEFENDANT AND ATTORNEYS FOR THE DEFENSE:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code Section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, promptly, and without further request or order.