



**Food and Drug Administration
OFFICE OF CRIMINAL INVESTIGATIONS
MEMORANDUM OF INTERVIEW**

CASE NUMBER: 2010-SFC-735-0280

CASE TITLE: PRIMORDIAL PERFORMANCE

DOCUMENT NUMBER: 209929

PERSON INTERVIEWED: ERIC POTRATZ

PLACE OF INTERVIEW: PRIMORDIAL PERFORMANCE Headquarters, Portland, OR

DATE OF INTERVIEW: 10/30/2012

TIME OF INTERVIEW: 9:53am to 11:14am

INTERVIEWED BY: FDA-OCI SA's (b) (7)(F) and (b) (7)(F)

OTHER PERSONS PRESENT:

On the above stated date and time, while executing a federal search warrant on the premises of PRIMORDIAL PERFORMANCE, FDA-OCI Agents (b) (7)(F) and (b) (7)(F) conducted an interview of PRIMORDIAL PERFORMANCE owner, ERIC POTRATZ. POTRATZ arrived at the location at approximately 9:40 a.m., after the execution of the search warrant had already begun. At approximately 9:45 a.m., POTRATZ was handed a copy of the search warrant by SA (b) (7)(F). The warrant had previously been served on another PRIMORDIAL employee who was present when the execution of the warrant began. Throughout the interview of POTRATZ, the following events occurred and the following statements were made:

At approximately 9:53 a.m., the interview of POTRATZ began in a conference room located on the premises. SA (b) (7)(F) specifically explained the computer language in the search warrant and indicated that computers would not likely be removed, but instead imaged.

POTRATZ indicated that he was informed of the execution of the search warrant by company employees and was summoned to the location by them. SA (b) (7)(F) informed POTRATZ that she wished to ask him some questions, but that POTRATZ was not required to answer any questions. SA (b) (7)(F) further informed that POTRATZ was not under arrest and was free to leave at any time. At approximately 9:56 a.m., SA (b) (7)(F) read POTRATZ his non-custodial Miranda rights. Initially, POTRATZ stated that he did not want to sign a waiver of his rights. Agents (b) (7)(F) and (b) (7)(F) explained that POTRATZ could choose not to do so, but that agents would not speak with him further or ask him any questions if he chose to do so. POTRATZ was informed that he could sign the waiver and still choose not to answer any questions he did not want to answer. POTRATZ signed the waiver of rights and verbally stated that he understood his rights and was waiving them. A copy of the signed waiver of rights is Attachment 1.

POTRATZ provided his driver license to SA (b) (7)(F). SA (b) (7)(F) made note of POTRATZ's driver license information as follows:

ERIC MICHAEL POTRATZ

DOB: (b) (6), (b) (7)(C)

Address: (b) (6), (b) (7)(C)

POTRATZ provided his cell phone number as (b) (6), (b) (7)(C)

POTRATZ stated that he is the owner and managing member of PRIMORDIAL PERFORMANCE. He stated that he has no "active partner" and only has "fiduciary partners." POTRATZ identified his "fiduciary partners" as (b) (6), (b) (7)(C). POTRATZ described his duties as the owner and managing partner as "running the company" and "in charge of everything."

POTRATZ stated that he has been distributing dietary supplements (buying wholesale and distributing) since he was in high school and 16 years old. He stated that he wrestled and weight-lifted in high school and that the science interested him. POTRATZ stated that he has no formal education in the formulating, manufacturing or distributing of dietary supplements.

POTRATZ identified his email address as (b) (6), (b) (7)(C). He stated that his office is in the rear of the facility, closest to the company's manufacturing area. He stated that he often works at home on his computer. He stated that he has no remote log-in capabilities to the company's servers.

POTRATZ stated that PRIMORDIAL PERFORMANCE incorporated in 2006 and that he is the only person listed on the company's LLC and that (b) (6), (b) (7)(C) are only listed on the operating agreement.

POTRATZ stated that the purpose of the business is to "sell steroids for the purpose of male health." POTRATZ clarified that the products are created to assist males in their "physical attributes" and "the way they feel and look." POTRATZ stated that their primary distribution method is on-line retail sites marketed through fitness websites and forums. POTRATZ stated that the only way to purchase PRIMORDIAL products currently is through the PRIMORDIAL website. He stated that in the past, PRIMORDIAL sold through distributors like (b) (6), (b) (7)(C).com, but that (b) (6), (b) (7)(C).com no longer carries any hormonal or steroid products.

POTRATZ stated that (b) (6), (b) (7)(C) PRIMORDIAL employee, maintains (b) (6), (b) (7)(C) and talks about the products (b) (6), (b) (7)(C).

POTRATZ stated that the development of PRIMORDIAL's Andro-Series product line was for the purpose of "selling a steroid that was DSHEA compliant." POTRATZ stated that he is the formulator of the Andro series. POTRATZ stated that he formulates products as a result of reading published compound studies since he was 18 years old.

POTRATZ stated that the company gets their raw ingredients from (b) (4) and that PRIMORDIAL only mixes the ingredients. One of the (b) (4) suppliers that PRIMORDIAL uses is (b) (4). POTRATZ stated that all of his communication with the (b) (4) suppliers is through email. He stated that the (b) (4) companies sometimes provide a certificate of analysis with the raw product, but that PRIMORDIAL will do its own testing of the products. POTRATZ stated that PRIMORDIAL will send out product for a "full characterization" testing to (b) (4) but that routine, follow-up testing is usually done by the company through (b) (4).

(b) (6), (b) (7)(C)

POTRATZ stated that PRIMORDIAL typically receives raw product from (b) (4).

POTRATZ stated that PRIMORDIAL's testing records from (b) (4) and (b) (4) are stored digitally on their (b) (4). POTRATZ stated that after PRIMORDIAL mixes the ingredients, they send the mixed product to (b) (4) for encapsulating. POTRATZ stated that they will send the mixed raw

product to (b) (4) with instructions on how much of the product to put into each capsule.
(b) (4) will then send them back plastic drums with plastic bags full of finished capsules.

POTRATZ stated that PRIMORDIAL has never been inspected by the FDA, (b) (4), (b) (6), (b) (7)(C)

POTRATZ expressed concerned about the identity of PRIMORDIAL's encapsulator and their source of raw ingredients becoming public because it is proprietary nature.

POTRATZ stated that he creates the labels on PRIMORDIAL's products and that he comes up with the marketing for the products and writes the marketing content. POTRATZ stated that he uses no outside sources to come up with product names and chemical structures used in the products. POTRATZ stated that he studies FDA published content in order to abide with product claim laws.

POTRATZ stated that the final PRIMORDIAL products are assembled at PRIMORDIAL's headquarters and shipped to customers.

POTRATZ stated that he has had discussions with PRIMORDIAL employees regarding FDA law (b) (4)

POTRATZ stated that ingredients in PRIMORDIAL's Andro-Series are "naturally occurring" and have been taken orally since the 1930's. He stated that there is an abundance of published studies on the compounds and that they are contained in the food supply. POTRATZ stated that he has a report in which references to these facts are stated. POTRATZ later retrieved this report with references and provided it to SA (b) (7)(F) . A copy of this report is Attachment 2.

POTRATZ stated that he has never consulted with any legal source regarding the legality of his products. He stated that he has just read FDA published material and published product material in order to determine its legality. POTRATZ stated that he also consulted occasionally with (b) (4) and his (b) (4) suppliers regarding legality.

POTRATZ stated that PRIMORDIAL has never received any "serious" complaints from customers. POTRATZ stated that minor complaints like "nauseousness" and "acne" have been received and are documented in the company's email files. POTRATZ stated that PRIMORDIAL will allow a customer to return a product, but that they stopped their "money back guarantee" some time ago. He stated that upon a customer return, they will generally ship out another PRIMORDIAL product to that customer. POTRATZ estimated that this happens (b) (4) .

POTRATZ stated that PRIMORDIAL sold Superdrol in 2010 for about 3 months. POTRATZ estimated that the company sold about (b) (4) bottles. POTRATZ stated that at the time he was under the impression that Superdrol was legal, but at some point was informed by a friend to stop selling it. POTRATZ stated that he couldn't come up with a sound DSHEA compliancy statement for Superdrol, so PRIMORDIAL stopped selling it.

In regards to PRIMORDIAL's sale of 1-T Tren, POTRATZ stated that when the DEA scheduled it in January of 2010, PRIMORDIAL had already sold all of its supply of 1-T Tren. When asked about 1-T Tren's DSHEA compliance, POTRATZ stated that in 2009 he was a lot less educated about DSHEA. POTRATZ stated that all of the PRIMORDIAL's records of the sale of 1-T Tren were retained. When asked how 1-T Tren, a topical cream, could be legal, POTRATZ stated that there was controversy over whether absorption of a product could be considered digestion. POTRATZ stated that currently, PRIMORDIAL does not list any of its topical products as dietary supplements, but instead categorizes them as cosmetics.

POTRATZ stated that PRIMORDIAL sold all of its supply of 1-T Tren and Superdrol a long time ago and that they retain no more of the product.

POTRATZ confirmed that he acknowledged previous FDA action against the sale of Tren while he was marketing and selling 1-T Tren.

In regards to structure function claims, POTRATZ stated that the company makes no statements relating to the curing or mitigating of a disease. He stated that they only claim that steroids build strong muscles and bones, the same as calcium would build strong muscles and bones. POTRATZ stated that he has never had a 3rd party review their marketing claims for FDA compliance.

POTRATZ confirmed that PRIMORDIAL is registered with the FDA as a re-labeler or re-packager. POTRATZ admitted that PRIMORDIAL does more than this however, as they mix ingredients at the facility. POTRATZ explained that PRIMORDIAL was a "garage company" until 2009. He stated that the company is trying to (b) (4)

He stated that they have also attempted to work with (b) (4) in this area, but that "they are not the easiest to work with." POTRATZ stated that his wish for PRIMORDIAL was to only be involved with the marketing and distribution of the products.

POTRATZ stated that he felt safe behind PRIMORDIAL's current products and their ingredients, and that because of that, they "could be looser with the claims" they made in marketing the products. POTRATZ stated that he gave less consideration to whether the product claims were FDA compliant as compared to the compliancy of the ingredients. POTRATZ admitted that due to (b) (4)

(b) (4), he was planning on (b) (4) He stated that he was planning on (b) (4)

POTRATZ stated that he had hired multiple quality assurance employees, (b) (4)

In regards to PRIMORDIAL's testing of their finished product, POTRATZ stated that they "haven't tested as much as we should." POTRATZ stated that they do not test every batch of finished capsules from (b) (4) because of costs. POTRATZ stated that he recently send the PRIMORDIAL products to (b) (6), (b) (7)(C) who "ran them through his machine" and found "no illegal steroids in the products."

(b) (4), (b) (6), (b) (7)(C)

POTRATZ stated that he realizes the company does not have an air filtration system in their manufacturing area and that it has just been "slow to occur." POTRATZ described (b) (4), (b) (6), (b) (7)(C) He stated that according to their (b) (4), (b) (6), (b) (7)(C) . POTRATZ stated that (b) (6), (b) (7)(C) is PRIMORDIAL's accountant.

When asked if agents would find anything incriminating when searching the computers, emails and other evidence seized from PRIMORDIAL, POTRATZ responded that the sale of the 1-T Tren was "probably the worst/dirtiest thing we've done."

POTRATZ stated that PRIMORDIAL is currently running (b) (4) case studies on customers taking the Andro-series products. He stated that the company does (b) (4) on those customers using the products. POTRATZ stated that he is running these studies himself. He stated that the safety of PRIMORDIAL's products is "rock solid." POTRATZ stated that he (b) (4), (b) (6), (b) (7)(C)

POTRATZ was not sure whether or not his (b) (4) suppliers were licensed by the FDA.

At the conclusion of the interview, SA (b) (7)(F) explained that a detailed inventory of all items seized during the search would be provided to POTRATZ at the end of the execution of the search warrant. SA (b) (7)(F) further explained that if POTRATZ needed copies of any of the seized documents, she could make them and provide them to him expeditiously.

The content of this memorandum was completed on November 8, 2012, based upon agents' notes and recollections of the interview of ERIC POTRATZ on October 30, 2012.

NAME-TITLE _____ (b) (7)(F) _____, Special Agent	NAME-TITLE _____
DATE 11/09/2012	DATE

SUBMITTED: _____

DATE:

APPROVED: Electronically approved by Lisa L. Malinowski, Special Agent in Charge

Lisa L. Malinowski, Special Agent in Charge,

DATE: 11/19/2012

DISTRIBUTION: ORIG: SF
CC: LAC

ATTACHMENTS: 1-Copy of Signed Waiver of Rights by ERIC POTRATZ.
2-Copy of Andro-Series DSHEA Compliancy Statement provided to SA (b) (7)(F) by ERIC POTRATZ.