



**Food and Drug Administration  
OFFICE OF CRIMINAL INVESTIGATIONS  
REPORT OF INVESTIGATION**

**REPORTING OFFICE:** San Francisco Resident Office

**DOCUMENT NUMBER:** 204217

**CASE NUMBER:** 2010-SFC-735-0280

**RELATED CASE NUMBER:** (b) (7)(E)

**TYPE OF CASE:** 735.100, DIETARY SUPPLEMENTS - CDER

**CASE TITLE:** PRIMORDIAL PERFORMANCE

**CASE AGENT:** (b) (7)(F)

**INVESTIGATION MADE AT:** Oakland, CA

**INVESTIGATION MADE BY:** SA (b) (7)(F)

**REPORTING PERIOD:** **FROM:** 02/17/2012 **TO:** 05/16/2012

**STATUS OF CASE:** Continued

**SYNOPSIS:** Correspondence with AUSA, CFSAN and CDER.

\*\*\*\*\*  
**RESTRICTED INFORMATION**  
\*\*\*\*\*

This report is furnished on an official need-to-know basis and must be protected from dissemination which might compromise the best interests of the Food and Drug Administration, Office of Criminal Investigations. This report shall not be released in response to a Freedom of Information Act or Privacy Act request or disseminated to other parties without prior consultation with the FDA Office of Criminal Investigations.

**UNAUTHORIZED RELEASE MAY RESULT IN CRIMINAL PROSECUTION**  
\*\*\*\*\*

**REPORT SUBMITTED BY:** (b) (7)(F) Special Agent, \_\_\_\_\_ **DATE:** 05/16/2012

**REPORT APPROVED BY:** \_\_\_\_\_ **DATE:** 05/18/2012  
Thomas W. Emerick, Special Agent in Charge,

**DISTRIBUTION:** ORIG: SFC  
CC: LAC

## 1. INTRODUCTION:

This case originated after the February 8, 2010, receipt of information from the United States Anti-Doping Agency (USADA) about an email solicitation from PRIMORDIAL PERFORMANCE on the sale of a new product called Superdrone. The email indicates that PRIMORDIAL PERFORMANCE's Superdrone is a "Superdrol-clone" and contains the designer anabolic steroid methyldrostanolone. Superdrol (aka methyldrostanolone, aka methasteron) is a designer anabolic steroid (b) (7)(E)

(b) (7)(E)

Reference is made to the Report of Investigation for the period November 19, 2011 to February 16, 2012.

## 2. DETAILS OF INVESTIGATION:

On March 12, 2012 Assistant US Attorney Matt Parrella contacted Special Agent (b) (7)(F) to inquire about the status of the PRIMORDIAL PERFORMANCE investigation. SA (b) (7)(F) provided AUSA Parrella with a synopsis of the opinions provided by the Forensic Chemistry Center (FCC) and the Center for Food Safety and Advanced Nutrition (CFSAN) personnel regarding PRIMORDIAL PERFORMANCE products and claims. AUSA Parrella asked SA (b) (7)(F) to inquire further with CFSAN and the Center for Drug Evaluation and Research (CDER) about the labeling of the products to determine if the products are misbranded.

On March 14, 2012 SA (b) (7)(F) through SOM Goneconto, requested the assistance of CDER and CFSAN in determining if PRIMORDIAL PERFORMANCE products were misbranded and if the website, PRIMORDIALPERFORMANCE.COM, contained violative claims.

On March 20, 2012 SA (b) (7)(F) learned from Lisa Althar, Consumer Safety Officer, Seattle District Office (SEA-DO), that no regulatory action had been taken on PRIMORDIAL PERFORMANCE and the Investigations Branch of SEA-DO had not initiated an inspection of PRIMORDIAL PERFORMANCE.

On March 30, 2012 SA (b) (7)(F) provided AUSA Parrella a draft search warrant for the search of PRIMORDIAL PERFORMANCE.

On April 4, 2012 SA (b) (7)(F) received an email from Brad Pace, Lead Regulatory Counsel, CDER. Pace suggested having CFSAN experts weigh in on the misbranding of PRIMORDIAL PERFORMANCE products. He stated the claims found on the website are primarily structure function claims and would best be addressed by CFSAN. Pace stated at least one topical cream offered for sale on PRIMORDIALPERFORMANCE.COM was a drug because of its labeling.

On April 27, 2012 SA (b) (7)(F) spoke with Daniel Fabricant and Corey Hilmas from CFSAN regarding review of PRIMORDIAL PERFORMANCE labeling, products and website. Fabricant and Hilmas stated they would review the products and their labeling to determine if the ingredients listed on the label are new dietary ingredients. Follow up call scheduled for May 18, 2012 to check on status of their review.

**3. JUDICIAL ACTION:**

None this reporting period

**4. DISPOSITION OF EVIDENCE, CONTRABAND, AND PERSONAL PROPERTY:**

None this reporting period.

**5. STATUS OF INVESTIGATION:**

Continued.

**6. SUSPECTS/DEFENDANTS/OTHER:**

PRIMORDIAL PERFORMANCE

ERIC POTRATZ

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

WWW.PRIMORDIALPERFORMANCE.COM

**7. ATTACHMENTS:**

None