



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

REPORTING OFFICE: San Francisco Resident Office

DOCUMENT NUMBER: 239364

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

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 and San Jose, CA

INVESTIGATION MADE BY: Special Agent^{(b) (7)(F)}

REPORTING PERIOD: **FROM:** 05/01/2015 **TO:** 07/28/2015

STATUS OF CASE: Continued

SYNOPSIS: Service of Criminal Summons, Initial Appearance for POTRATZ, discovery production, status hearing.

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: Electronically submitted by ^{(b) (7)(F)} _____ **DATE:** 08/04/2015
^{(b) (7)(F)} SPECIAL AGENT

REPORT APPROVED BY: Electronically approved by LISA MALINOWSKI **DATE:** 08/04/2015

 LISA MALINOWSKI, SPECIAL AGENT IN CHARGE

DISTRIBUTION: ORIG: SFC

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 April 5, 2015 through April 30, 2015.

2. DETAILS OF INVESTIGATION:

On May 8, 2015, SA ^{(b) (7)}_(F) was contacted by the U.S. Marshals Service who indicated they were unable to contact ERIC POTRATZ to serve the Criminal Summons to appear in U.S. District Court San Jose, CA on May 20, 2015. More specifically, U.S. Deputy Marshal Poulson advised she had attempted to serve the Criminal Summons at the two provided addresses for POTRATZ and left messages on his cell phone, ^{(b) (6), (b) (7)(C)} but was unable to reach him.

Continuing on the same day, SA ^{(b) (7)}_(F) left a message for POTRATZ at ^{(b) (6), (b) (7)(C)} regarding the Criminal Summons.

Continuing on the same day, at approximately 1045 hours, SA ^{(b) (7)}_(F) received a return phone call from POTRATZ. POTRATZ indicated he had received the messages left by the U.S. Marshal but assumed it was a bill collector. POTRATZ further explained that he receives a lot of these calls and knows the bill collectors will say anything to get you to call them back. I explained that the U.S. Marshals needed to serve him with a Criminal Summons but could not get in contact with him. POTRATZ indicated he is ^{(b) (6), (b) (7)(C)} POTRATZ stated he would remain at this location until the U.S. Marshal arrived. POTRATZ stated his attorney, Gram Archer, didn't say anything about this Summons. I indicated it was my understanding that he was no longer represented by Archer. POTRATZ stated that he hadn't spoken with Archer in 8 months but thought that was his attorney. I stated I would advise AUSA Matthew Parrella that Archer was still his attorney. POTRATZ then asked if we "had a transport bus to get me to San Jose." I indicated he was responsible for getting to San Jose, CA on May 20, 2015. ^{(b) (6), (b) (7)(C)}

I advised he could talk to his attorney who may be able to work something out with the Department of Justice to see if they had a program to assist with travel funds. The conversation concluded at approximately 1050 hours.

Continuing on the same day, SA ^{(b) (7)}_(F) spoke with AUSA Parrella. SA ^{(b) (7)}_(F) advised Parrella that he had spoken with POTRATZ about the Summons and that POTRATZ had indicated he was represented by Archer.

Continuing on the same day, SA ^{(b) (7)}_(F) contacted U.S. Deputy Marshal ^{(b) (7)(F)} and advised her of POTRATZ's new address and current location. U.S. Deputy Marshal ^{(b) (7)(F)} requested that I contact POTRATZ and advise him that she would meet him at the provided address within ten minutes to serve him with the Criminal Summons.

Continuing on the same day, at approximately 1115 hours, I contacted POTRATZ and explained that U.S. Deputy Marshal ^{(b) (7)(F)} would be coming to his location within ten minutes. POTRATZ advised he would be standing outside the address waiting to receive the Criminal Summons.

Continuing on the same day, U.S. Deputy Marshal ^{(b) (7)(F)} called SA ^{(b) (7)}_(F) and advised she had served the Criminal Summons on POTRATZ.

On May 19, 2015, AUSA Parrella advised that POTRATZ's defense filed a stipulation to continue his initial appearance until June 3, 2015 to allow the U.S. Marshal Service to provide transportation from Portland, Oregon to San Jose, California.

On May 20, 2015, SA ^{(b) (7)}_(F) provided AUSA Parrella with discovery documents associated with the investigation.

3. JUDICIAL ACTION:

On June 3, 2015, POTRATZ appeared before Magistrate Judge Koh in San Jose, CA. POTRATZ was released on 100K signature bond and his travel was restricted to Washington, Oregon, and the Northern District of California. POTRATZ next status hearing was scheduled for July 22, 2015. SA ^{(b) (7)}_(F) updated the CIR, JAF, and SHF as required.

On July 22, 2015, SA ^{(b) (7)}_(F) attended POTRATZ status hearing in front of Magistrate Judge Koh in San Jose, CA. POTRATZ's next status hearing was scheduled for July 30, 2015.

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

^{(b) (6), (b) (7)(C)}

7. ATTACHMENTS:

None this reporting period.