



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

REPORTING OFFICE: San Francisco Resident Office

DOCUMENT NUMBER: 248403

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: San Jose, CA and Portland, OR

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

REPORTING PERIOD: **FROM:** 05/13/2016 **TO:** 07/21/2016

STATUS OF CASE: Continued

SYNOPSIS: Receipt of corrected lab reports; superseding indictment.

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REPORT SUBMITTED BY: Electronically submitted by (b) (7)(F) _____ DATE: 08/03/2016
(b) (7)(F) _____, SPECIAL AGENT

REPORT APPROVED BY: Electronically approved by LISA MALINOWSKI _____ DATE: 08/04/2016
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 of April 12, 2016 through May 12, 2016.

2. DETAILS OF INVESTIGATION:

On May 17, 2016 Cheryl Flurer, Director, Organic Laboratory Branch, Forensic Chemistry Center, notified Special Agent ^{(b) (7)(F)}, Assistant United States Attorney Matthew Parrella and OCC Attorney James Smith, that there were incorrect chemical names used on FCC lab reports relating to PRIMORDIAL PERFORMANCE products labeled "Turinabol" and "AndroHard." The following CIEs had products labeled "Turinabol" and "AndroHard," and were tested by FCC: 185389, 153015, 185208, and 152909. AUSA Parrella requested FCC retest all items listed on the aforementioned CIEs that were labeled as "Tunrinabol" and "AndroHard."

On June 9, 2016 SA ^{(b) (7)(F)} received the corrected FCC reports and reports of retesting of all items labeled as "Turinabol" and "AndroHard" and listed on CIEs 185389, 153015, 185208, and 152909. The reports are included as Attachments 1 through 4, respectively.

3. JUDICIAL ACTION:

On July 6, 2016, during a status hearing, the August 18, 2016 trial date was vacated to allow defense counsel for ERIC POTRATZ to have the evidence listed on IE 10-0280-32642 tested by an independent lab.

On July 7, 2016, ERIC POTRATZ was charged by Superseding Indictment in the Northern District of California, San Jose, CA on the following six counts:

21 USC 841(a)1- Distribution of a Controlled Substance (Felony). The FCC determined POTRATZ's product "Turinabol-LV" contained the anabolic steroid dehydrochloromethyltestosterone. OCI, acting in an undercover capacity, purchased this product through POTRATZ's website WWW.PRIMORDIALPERFORMANCE.COM.

21 USC 331(a)- Introduction and delivery for introduction of misbranded drugs into interstate commerce (Felony). POTRATZ product "Turinabol-LV" was found to be misbranded in the following ways: it's label

was false and misleading in that it was labeled as a dietary ingredient but did not contain and dietary ingredients, rather it contained the anabolic steroid dehydrochloromethyltestosterone; it was manufactured in a facility that was not registered as a drug establishment with the FDA; and the labeling lack adequate directions for use by a layperson. OCI purchased this product via POTRATZ website which was subsequently (b) (7)(E)

21 USC 331(d)- Introduction and delivery for introduction of unapproved new drugs into interstate commerce (Felony). POTRATZ failed to submit a NDA for his product "Turinabol-LV" which was considered a new drug. OCI purchased this product via POTRATZ website which was subsequently shipped from Portland, OR to Oakland, CA.

21 USC 331(k)- Misbranding a drug while held for sale (Felony). A CDER expert determined POTRATZ's product "Turinabol-LV" was considered a prescription drug based on its toxicity or potential for harmful effect. It was further determined that POTRATZ obtained the raw materials for this product from (b) (4) . POTRATZ dispensed this drug without valid prescriptions.

21 USC 331(p)- Failure to register drug establishment (Felony). POTRATZ registered as a "food relabeler" versus a drug manufacturer to avoid FDA inspection.

21 USC 331(a)- Introduction of a misbranded drug into interstate commerce (Misdemeanor). POTRATZ's product "AndroHard" was found to be mislabeled in the following ways: it's label was false or misleading in that it indicated it contained the ingredient "Androsterone" and "(5a-androstene-3b-ol-17-one)," when in fact those names refer to two different chemical compounds (21 U.S.C. §352(a).) and it was manufactured, prepared, propagated, compounded, and processed in an establishment in Oregon that was not duly registered as a drug establishment with FDA, and it was not included in a list of drugs manufactured by a facility registered with FDA (21 U.S.C. §352(o)).

A Headquarters Notification was completed. The Judicial Action Form, Subject History Form, and Case Initiation Report were updated.

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

On May 27, 2016 FCC sent an aliquot of item 2 listed on CIE 152909 to the San Francisco Resident Office at the request of Assistant United States Attorney Matthew Parrella for the purpose of turning over the aliquot to defense counsel Graham Archer. The aliquot was inventoried on IE 10-0280-32642. On the same date SA (b) (7)(F) contacted Mr. Archer by email and informed him the sample was ready to be turned over to him.

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)

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

7. ATTACHMENTS:

- Attachment 1: Corrected Lab Report for CIE 185389
- Attachment 2: Corrected Lab Report for CIE 153015
- Attachment 3: Corrected Lab Report for CIE 185208
- Attachment 4: Corrected Lab Report for CIE 152909
- Attachment 5: Superseding Indictment of ERIC POTRATZ