



Department of Justice

U.S. Attorney's Office
Southern District of Texas

Tim Johnson • Acting United States Attorney

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ANGELA DODGE

PUBLIC AFFAIRS OFFICER

(713) 567-9388

DISTRIBUTOR OF COUNTERFEIT PHARMACEUTICALS DRUGS CONVICTED

(HOUSTON) - Richard Fletcher, 57, of Dallas, Texas, has been convicted of conspiring to distribute counterfeit pharmaceuticals and trafficking in pharmaceuticals bearing false labeling and counterfeit trademarks, acting United States Attorney Tim Johnson announced today. Fletcher pleaded guilty to both federal offenses at a hearing this morning before United States District Judge Lee Rosenthal. Fletcher faces a maximum sentence of 10 years in federal prison, without parole, a \$250,000 fine and no more than three years of supervised release after the prison term at sentencing set for June 23, 2009.

The charges brought against Fletcher were the result of a joint investigation conducted by Immigration and Customs Enforcement (ICE) and the Food and Drug Administration (FDA), Office of Criminal Investigations that produced proof that Fletcher was using the internet to obtain and distribute counterfeit Viagra, Cialis and Levitra pharmaceutical drugs. Viagra, Cialis and Levitra are prescription drugs that are FDA approved and used in the treatment of erectile dysfunction. Viagra is manufactured and distributed exclusively by Pfizer Pharmaceuticals. Cialis is manufactured and distributed exclusively by Eli Lilly. Levitra is manufactured and distributed exclusively by Bayer Corporation. Viagra, Cialis and Levitra are registered trademarks on the principal register in the United States Patent and Trademark Office.

The investigation, which began in October 2007, identified Fletcher as the user of an internet website which offered Viagra tablets for \$1.00 each, Cialis tablets for \$1.20 each and Levitra tablets for \$1.40 each. The retail cost for Viagra, Cialis and Levitra tablets range from \$11.00 to approximately \$13.00. In response to inquiries regarding the quality of the tablets, Fletcher indicated the pills looked just like the original with imprint on the pill and branded packaging. ICE agents, working in an undercover capacity, purchased approximately 2,000 Viagra tablets and approximately 500 Cialis tablets from Fletcher over the internet on Feb. 11, 2008, May 15, 2008 and June 18, 2008. Packaging containing the pharmaceuticals indicated the pharmaceuticals were exported from China and also contained the Dallas address for Fletcher. The pharmaceuticals were later analyzed by the trademark holders and the FDA Forensic Chemistry Center and determined to be counterfeit. Agents also obtained a search warrant for the internet website used by Fletcher and found proof that Fletcher had obtained counterfeit

pharmaceuticals from China and discussed techniques to evade detection and seizure by law enforcement officials with individuals residing in China. Fletcher also used alternate shipping routes such as Canada and Mexico.

During the investigation, agents received information from Customs and Border Protection that a package containing 960 tablets of counterfeit Viagra tablets had been discovered and seized at a mail facility in San Francisco, Calif. The package was addressed to Fletcher and included his Dallas address. The counterfeit Viagra and Cialis tablets obtained as a result of the investigation are valued at more than \$46,000.

Fletcher has been permitted to remain free on bond pending his sentencing hearing.

This case is being prosecuted by Assistant United States Attorney Samuel Louis.

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