



Department of Justice

United States Attorney Sally Quillian Yates
Northern District of Georgia

FOR IMMEDIATE RELEASE

08/11/10

<http://www.justice.gov/usao/gan/>

CONTACT: John Horn

(404)581-6335

FAX (404)581-6160

NEW YORK DISTRIBUTOR CHARGED WITH BUYING INFANT FORMULA AND OTHER MERCHANDISE STOLEN IN GEORGIA

ATLANTA, GA - TONY TAVARES, 51, of Woodmere, New York, and BROOKLYN TOBACCO WHOLESALERS, INC., located in Brooklyn, New York have been indicted by a federal grand jury in Atlanta on charges of conspiring with and aiding and abetting others in shipping stolen infant formula and other merchandise in interstate commerce. The indictment was handed down by a federal grand jury on Tuesday, August 10, 2010. TAVARES appeared today before a United States Magistrate Judge in the Eastern District of New York for his initial appearance. Arraignment on the charges for both TAVAREZ and BROOKLYN TOBACCO WHOLESALERS, INC., will be scheduled for a later date before a Magistrate Judge in the Northern District of Georgia.

United States Attorney Sally Quillian Yates said, "Through his business, Mr. Tavares purchased several million dollars worth of infant formula, razors and other merchandise which professional shoplifters had stolen from merchants in the Atlanta area. The shoplifters sold their stolen goods to fences in Atlanta who then shipped the stolen merchandise to Mr. Tavares in New York, who sold it to retailers there. He encouraged shoplifters to steal by providing them with a market for their stolen merchandise."

According to United States Attorney Yates, the charges and other information presented in court: TONY TAVARES operated BROOKLYN TOBACCO WHOLESALERS, INC., located at 1981 Pitkin Avenue, Brooklyn, New York. TAVARES regularly purchased stolen merchandise from two businesses located in Atlanta, Georgia; Primo Food Market located at 533 Griffin Street, Atlanta, Georgia, run by Jose Tavares and Eduardo Tavares, and M & M Grocery located at 911 Simpson Road, Atlanta, Georgia, run by Danny Fernandez. At both locations in Atlanta, the Tavareses and Fernandez and their employees purchased from professional shoplifters, known as "boosters," stolen merchandise consisting primarily of infant formula and razors. At regular intervals the stolen merchandise was loaded onto rental trucks in Atlanta and driven to Brooklyn, New York where TONY TAVARES would personally supervise the unloading of the stolen merchandise at BROOKLYN TOBACCO WHOLESALERS, INC. After the stolen merchandise was received at BROOKLYN TOBACCO WHOLESALERS, INC., any store labels, price labels, and security codes

would be removed from the stolen merchandise using a cleaning solvent. Then, the stolen merchandise was sold to wholesale and retail businesses in New York and elsewhere.

Danny Fernandez, Jose Tavarez, Eduardo Tavarez, and others were indicted by a federal grand jury sitting in Atlanta, Georgia on October 26, 2006, on charges that they shipped stolen merchandise in interstate commerce knowing that it was stolen. On July 30, 2007, Fernandez pleaded guilty. On December 13, 2007, he was sentenced by Judge Orinda D. Evans to 5 years, 5 months in federal prison. On March 27, 2007, Eduardo Tavarez pleaded guilty. On December 13, 2007, he was sentenced by Judge Orinda D. Evans to 3 years, 6 months in federal prison. Jose Tavarez was recently apprehended by federal authorities. His case is pending.

The indictment handed down against TONY TAVARES and BROOKLYN TOBACCO WHOLESALERS, INC., charges one conspiracy count and 15 substantive counts of interstate transportation of stolen property. The conspiracy charge carries a maximum sentence of 5 years in prison and a fine of up to \$250,000. Each charge of transporting merchandise in interstate commerce carries a maximum penalty of 10 years in prison and a fine of up to \$250,000.

This case is being investigated by special agents with the United States Department of Agriculture, Office of the Inspector General, and the United States Food and Drug Administration, Office of Criminal Investigations, and detectives with the City of Atlanta Police Department, with the assistance of the Cobb County Police Department and the Douglas County Sheriff's Office.

Assistant United States Attorney William L. McKinnon, Jr., and J. Elizabeth McBath are prosecuting the case.

Members of the public are reminded that the indictment contains only allegations. A defendant is presumed innocent of the charges and it will be the government's burden to prove a defendant's guilt beyond a reasonable doubt at trial.

For further information please contact Sally Quillian Yates, United States Attorney, John Horn, First Assistant United States Attorney, through Yvette Comer at (404) 581-6335. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.