



Department of Justice

Office of the United States Attorney
Western District of Wisconsin

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**COURT APPROVES CONSENT DECREE
BETWEEN BEEHIVE BOTANICALS AND THE UNITED STATES**

Madison, Wis. - Stephen P. Sinnott, United States Attorney for the Western District of Wisconsin, announced that Beehive Botanicals, Inc. ("Beehive") assented to the entry of a consent decree of condemnation and injunction, agreeing to forfeit certain bee-derived products and components to the United States. The products and components were seized from Beehive's facility in Hayward, Wis.

In its Verified Complaint filed on March 25, 2010, the United States alleged that the bee-derived articles proceeded against are "drugs" within the meaning of the federal Food, Drug, and Cosmetic Act because their labeling, including information made available through links on Beehive's websites, established that they were intended to be used in the cure, mitigation, treatment, and prevention of disease in man.

The U.S. District Court for the Western District of Wisconsin entered the Decree on May 14, 2010. The Decree prevents Beehive from, among other things, introducing or delivering for introduction into interstate commerce, or manufacturing processing, promoting, or labeling any new drug as being safe and effective for the diagnosis, cure, mitigation, treatment, or prevention of disease, unless done in accordance with federal law.

The Decree also requires that Beehive hire an independent expert consultant to attempt to inspect its product labeling and certify to the Food & Drug Administration (FDA) that corrections have been made. The FDA will continue to monitor these activities through its own inspections and oversight.

If Beehive complies with the terms and conditions of the Decree, the FDA will allow it to bring the seized products and components into compliance with federal law. If the company fails to comply with any provision of the Decree, or violates applicable federal law or regulations, the United States may bring a contempt action against the company, or the FDA may take other actions deemed necessary, including the payment of damages for continuing violations.

The litigation of this matter has been handled by Assistant U.S. Attorney Leslie K. Herje. The FDA Minneapolis District Office conducted the inspection, and assisted the United States Marshal for the Western District of Wisconsin with the seizure and forfeiture.

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