



Department of Justice

Middle District of Tennessee

FOR IMMEDIATE RELEASE

August 23, 2011

Nashville Man Charged With Selling Counterfeit Viagra & Cialis

Edward Dwayne Clark, 44, of Antioch, Tennessee was arrested yesterday and charged with three federal felonies related to obtaining counterfeit drugs through the mail and selling those counterfeit drugs in the Nashville area, announced Jerry E. Martin, U.S. Attorney for the Middle District of Tennessee. Joining Martin in the announcement were David Bourne, Special Agent in Charge of the Miami Field Office of the Food and Drug Administration- Office of Criminal Investigations and Shelly Binkowski, Acting Inspector- in- Charge of the Atlanta Division of the United States Postal Inspection Service.

A criminal information filed on August 17, 2011, charged Clark with selling counterfeit drugs with intent to mislead and defraud, trafficking in counterfeit goods, and using a fictitious name on mail parcels to carry on the unlawful business of selling counterfeit drugs. Clark surrendered to federal law enforcement authorities yesterday and was placed on pretrial supervision.

Clark faces a maximum sentence of 18 years in prison and a \$2.5 million fine if convicted of all charges.

“Counterfeit prescription drugs pose a significant risk to the public since these drugs are not tested for safety, content, or purity by the Food and Drug Administration,” said U.S. Attorney Jerry Martin. “Although the Internet makes it easy to order fake drugs from foreign countries, persons who sell these counterfeit drugs to make illegal profits at the expense of the public’s health risk substantial prison time.”

According to the information, Clark used his e-mail account to order over 77,000 counterfeit Viagra and Cialis tablets through an internet website, and directed that some of the international mail parcels containing the counterfeit drugs be shipped to a fictitious business and to other people who knowingly received the drugs for Clark. The charges allege that Clark and others, working at Clark’s direction, made wire transfers to pay for the counterfeit drugs, and that Clark sold the drugs which he received through the mail.

David Bourne, the Special Agent in Charge of the Miami Field Office of the Food and Drug Administration Office of Criminal Investigations, stated: “The FDA and our law enforcement partners remain vigilant in our efforts against those who threaten the integrity of the pharmaceutical supply chain by introducing counterfeit products. Working together, we will endeavor to bring justice to those who prey on and jeopardize the health of the public.”

Shelly Binkowski, Acting Inspector in Charge of the Atlanta Division of the United States Postal Inspection Service, stated: "The United States Postal Inspection Service is committed to working closely with their counterparts in law enforcement and the U.S. Attorney's office to aggressively target and prosecute those individuals who use the U.S. Mails to profit from trafficking illegal prescription drugs."

This case was investigated by the Food and Drug Administration's Office of Criminal Investigations and by the U.S. Postal Inspection Service. The case is being prosecuted by Assistant United States Attorney Sunny A.M. Koshy.

A criminal information is merely an accusation and is not evidence of guilt. All defendants have the right to a trial by jury at which, the government would have to bear the burden of proof beyond a reasonable doubt.