



Department of Justice

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Western District of North Carolina

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North Carolina Man Indicted and Arrested in Counterfeit Viagra and Cialis Case

CHARLOTTE, NC— U.S. Attorney Anne M. Tompkins for the Western District of North Carolina announced today that Awni Shuaib Zayyad, 54, of Wilson, North Carolina, was indicted by a federal grand jury for conspiracy to traffic in counterfeit Viagra and counterfeit Cialis, three counts of trafficking and attempting to traffic in counterfeit Viagra and counterfeit Cialis and three counts of holding and dispensing counterfeit drug products with intent to defraud and mislead. A notice of criminal forfeiture is also contained in the indictment. Joining Tompkins in making today's announcement is Delbert Richburg, Assistant Special Agent in Charge, U.S. Immigration and Customs Enforcement/Homeland Security Investigations.

A grand jury in the Western District of North Carolina returned the indictment against Awni Shuaib Zayyad, unsealed upon his arrest today. If convicted, he faces a maximum of five years in prison for the conspiracy count, a maximum of 10 years in prison for each of the counts charging trafficking in counterfeit goods and a maximum of three years in prison for each of the counts charging holding and dispensing counterfeit drug products with intent to defraud and mislead. He also faces a total fine of up to \$7 million. Awni Shuaib Zayyad is scheduled to make his initial appearance before a Federal Magistrate Judge on December 17, 2010, at 10 a.m. in Raleigh, in the Eastern District of North Carolina. An indictment is merely a charge and defendants are presumed innocent until proven guilty.

According to the indictment, Pfizer, Inc. manufactures the prescription drug Viagra, and Eli Lilly and Company manufactures the prescription drug Cialis. Under federal law, Viagra and Cialis are prescription drug products that contain a compound for the treatment of erectile dysfunction and are approved by the United States Food and Drug Administration (FDA) for distribution within the United States. Since they are prescription drugs, they may be dispensed only upon a written or oral prescription of a practitioner licensed by law to administer such drug.

The indictment charges that from March 2010, to August 23, 2010, Awni Shuaib Zayyad conspired with other unnamed persons to traffic in counterfeit Viagra and counterfeit Cialis. According to the indictment, an unnamed co-conspirator held for sale and dispensing approximately 980 counterfeit Viagra tablets and approximately forty 40 counterfeit Cialis tablets on May 25, 2010, and Awni Shuaib Zayyad sold and dispensed approximately 502 counterfeit Viagra tablets on June 24, 2010, and transported approximately 600 counterfeit Viagra tablets and approximately 226 counterfeit Cialis tablets on August 23, 2010.

Earlier this week, on December 14, 2010, United States Attorney General Eric Holder stated: "Our nation's fight against dangerous counterfeits has never been more critical. . . . Trafficking in counterfeits is not victimless. And the Justice Department is committed to making sure that it is not seen as a safe business strategy."

U.S. Attorney Anne M. Tompkins stated today: “Under federal law, genuine prescription drug products must be manufactured and distributed under strict quality control standards and may be dispensed only upon a doctor’s prescription and by a licensed pharmacist. Counterfeit drug products are manufactured and distributed with no quality control whatsoever and are dispensed without any medical or pharmaceutical supervision. Counterfeit prescription drug products pose a serious health risk to American consumers. The U.S. Attorney’s Office for the Western District of North Carolina will enforce federal laws that prohibit the sale and distribution of counterfeit goods, especially counterfeit drug products represented to be genuine prescription drug products and will vigorously prosecute those who illegally manufacture, import or distribute counterfeit prescription drugs to the public.

The case against Awni Shuaib Zayyad is being prosecuted by Assistant U.S. Attorney Thomas O’Malley of the Western District of North Carolina. The investigation is being handled by U.S. Immigration and Customs Enforcement (ICE) / Homeland Security Investigations, with the support and assistance of the Charlotte-Mecklenburg Police Department.

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