

---

---

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

---

UNITED STATES OF AMERICA : Honorable Joseph A. Dickson  
: :  
v. : Mag. No. 13-6539 (JAD)  
: :  
SHUJA ALI SYED : **CRIMINAL COMPLAINT**

I, Sophia Ciaccio, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

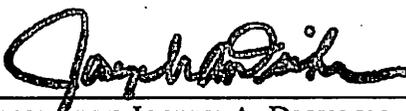
I further state that I am a Special Agent with the U.S. Department of Homeland Security, Homeland Security Investigations, and that this complaint is based on the following facts:

SEE ATTACHMENT B

continued on the attached page and made a part hereof.

  
\_\_\_\_\_  
Sophia Ciaccio, Special Agent  
Department of Homeland Security

Sworn to before me and subscribed in my presence,  
on February 26<sup>th</sup>, 2013 at Newark, New Jersey

  
\_\_\_\_\_  
HONORABLE JOSEPH A. DICKSON  
UNITED STATES MAGISTRATE JUDGE

**ATTACHMENT A**

**COUNT 1  
(Trafficking in Counterfeit Goods)**

From at least as early as February 2012 through in or about January 2013, in the District of New Jersey and elsewhere, defendant

**SHUJA ALI SYED**

did intentionally traffic and attempt to traffic in goods, specifically counterfeit male enhancement products, while knowingly using on and in connection with such goods counterfeit marks, marks that were in use and registered for those goods on the principal register of the United States Patent and Trademark Office, the use of which counterfeit marks were likely to cause confusion, to cause mistake, and to deceive.

In violation of Title 18, United States Code, Section 2320, and Title 18, United States Code, Section 2.

**COUNT 2  
(Money Laundering)**

From in or about December 2011 through in or about November 2012, in the District of New Jersey, and elsewhere, defendant

**SHUJA ALI SYED**

knowing that the property involved in financial transactions represented the proceeds of some form of unlawful activity, and knowing that the transactions were intended to promote the carrying on of specified unlawful activities, conducted and attempted to conduct financial transactions affecting interstate and foreign commerce, involving the proceeds of specified unlawful activity, namely the trafficking of counterfeit goods.

In violation of Title 18, United States Code, 1956(a)(1)(A)(I).

## **ATTACHMENT B**

I, Sophia Ciaccio, have been a Special Agent of the U.S. Department of Homeland Security, Homeland Security Investigations ("HSI"), for approximately ten (10) years, and I have been personally involved in the investigation of this matter. The information contained in this Complaint is based upon my personal knowledge, as well as information obtained from other sources, including: (a) statements made or reported by various witnesses with knowledge of relevant facts; (b) my review of publicly available information relating to SHUJA ALI SYED ("SYED"), the defendant; (c) documents obtained from various sources; and (d) discussions with other law enforcement officials. Because this Complaint is being submitted for the limited purpose of establishing probable cause, it does not include every fact that I have learned during the course of the investigation. Where the content of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

### **Background**

1. At all times relevant to this Complaint:

(a) SYED was a resident of Iselin, Middlesex County, New Jersey.

(b) SYED maintained an import, wholesale, and distribution company in Jersey City, Hudson County, New Jersey.

(c) "Libigrow," "Blue Diamond," "Nite Rider," and "ExtenZe" were all-natural male enhancement supplements contained in the principal register of the United States Patent and Trademark Office.

(d) Sildenafil, commonly known as Viagra, and Tadalafil, commonly known as Cialis, were prescription drugs approved by the Food and Drug Administration ("FDA"), and were used to treat erectile dysfunction and pulmonary arterial hypertension.

## **TRAFFICKING IN COUNTERFEIT GOODS**

### **Introduction**

2. From at least as early as February 2012 through in or about January 2013, SYED trafficked and attempted to traffic in counterfeit male enhancement products, namely Libigrow, Blue Diamond, Nite Rider, and ExtenZe. Specifically, SYED imported these counterfeit products from China, and he then sold and attempted to sell the products to undercover law enforcement agents and to other individuals located in New Jersey and New York. As a result of SYED's importation and sales of these counterfeit products, more than \$600,000 was deposited into and through SYED's bank account in New Jersey, and Syed also wired more than \$1,000,000 to China.

### **Acts of Trafficking and Attempted Trafficking**

3. In or around February 2012, law enforcement agents received information that an individual who went by the name "Sherazi," later identified by law enforcement agents as SYED, was purchasing counterfeit Libigrow from China and distributing the counterfeit Libigrow to clients within the United States, including in the District of New Jersey. The agents also received documentation that appeared to be communications between SYED and a legitimate wholesaler of Libigrow, who purchased Libigrow from SYED. The Libigrow that the wholesaler purchased from SYED was later tested and determined by the trademark holder to be counterfeit in that it contained traces of Cialis rather than being all-natural. In addition, the packaging of the counterfeit Libigrow was not consistent with that of the legitimate Libigrow.

4. On or about March 11, 2012, an HSI undercover agent (UC) called SYED. During the recorded conversation, the UC stated that he was interested in purchasing Libigrow samples from SYED. SYED told the UC that he could not meet with the UC that day, but would call the UC the following day.

5. On or about March 12, 2012, SYED called the UC. During the recorded conversation, SYED and the UC agreed to meet the following day at a White Castle restaurant located in Jersey City, New Jersey in order for the UC to purchase Libigrow samples from SYED.

6. On or about March 13, 2012, the UC met with SYED at the White Castle in Jersey City. At the recorded and videotaped meeting, SYED provided the UC with three boxes containing samples of Libigrow, Blue Diamond, and Nite Rider. The trademark holder for Libigrow and Blue Diamond later determined, by examining the packaging of the samples provided by SYED to the UC, that the samples were counterfeit.

7. On or about March 23, 2012, the UC had another recorded and videotaped meeting with SYED. Prior to the meeting, the UC had arranged to purchase 600 boxes of counterfeit male enhancement products from SYED for \$20/per box. At the meeting in Jersey Gardens Mall in Elizabeth, New Jersey, SYED gave the UC 142 boxes of Nite Rider, 176 boxes of Libigrow, and 177 boxes of Libigrow XXX, containing a total of approximately 10,074 pills. The UC paid SYED \$10,200 for the counterfeit products, and SYED provided the UC with a hand-written receipt.

8. On or about May 15, 2012, HSI agents received an official laboratory report from U.S. Customs and Border Protection (CBP) Laboratories and Scientific Services regarding the products that SYED sold to the UC on or about March 23, 2012. The laboratory analysis indicated that the Nite Rider and Libigrow pills both contained sildenafil. Sildenafil, commonly known as Viagra, is a prescription drug approved by the FDA and used to treat erectile dysfunction and pulmonary arterial hypertension. The laboratory analysis also indicated that other Libigrow pills contained tadalafil. Tadalafil, commonly known as Cialis, is also a prescription drug approved by the FDA and used to treat erectile dysfunction.

9. On or about March 26, 2012, an HSI UC met with SYED in Las Vegas, Nevada. SYED was attending the Retail Merchandise Trade Show at the Las Vegas Convention Center. During the meeting, SYED advised the UC that he purchased his Libigrow pills directly from China, and that he wired money to China via Western Union.

10. On or about June 12, 2012, an HSI UC again met with SYED at the Jersey Gardens Mall. During the meeting, SYED agreed to lower the price for his Libigrow from \$20/per box to \$16/per box.

11. On or about June 25, 2012, the UC sent a text message to SYED requesting his email address. That same day, SYED replied stating that his email address is xxxxsyed@hotmail.com.

12. On or about June 26, 2012, the UC sent SYED an email at xxxxsyed@hotmail.com, which stated, in relevant part, "Do you have extended or nitride?"

13. On or about June 27, 2012, SYED emailed the UC and stated, in relevant part, "I have Nite rider and Extenze." The UC then replied, "Whats the price for 100 boxes of each?"

14. On or about July 3, 2012, SYED emailed the UC and stated, "The extenze price is \$10.00 a box."

15. On or about July 20, 2012, HSI agents conducted surveillance on SYED in the vicinity of Greenville Avenue and JFK Boulevard in Jersey City. HSI agents observed a U.S. mail truck parked at a gas station located on JFK Boulevard. The mail carrier was observed carrying a large shipping box from the mail truck into the gas station. Postal checks later confirmed that a shipment described on the package as "Natural Supplements" was delivered to SYED at the gas station.

16. On or about July 25, 2012, HSI agents again conducted surveillance on SYED in and around a residence located on Greenville Avenue in Jersey City, which the agents had earlier confirmed was SYED's previous home address. The agents observed SYED enter the residence and exit it approximately one hour later with approximately 10 boxes. These boxes were the same size as the boxes containing counterfeit Libigrow, Libigrow XXX, and Nite Rider products that SYED had previously sold to an HSI UC on or about March 23, 2012. The agents then observed SYED drive to a location on Railroad Avenue, Hackensack, New Jersey, and deliver four boxes to that location. The agents then observed SYED drive to a location on New Utrecht Avenue, Brooklyn, New York and deliver one box to Brooklyn Wholesale and Retail, a wholesaler of dollar store items, at that location.

17. On or about July 26, 2012, the UC again met with SYED at the Jersey Gardens Mall. The UC had previously arranged to purchase 200 boxes of counterfeit ExtenZe from SYED for \$10/per box. At the meeting, SYED provided the UC with two large boxes containing ExtenZe in exchange for \$2,000. The ExtenZe pills were later determined to be counterfeit by

the trademark holder because the lot, i.e., identification number, assigned to the boxes of ExtenZe pills that SYED provided to the UC did not exist.

18. Further investigation and surveillance by HSI agents from in or about August 2012 through in or about January 2013 has revealed that SYED continues to receive shipments similar in size and shape to the shipping boxes that Syed previously sold to the UC, which contained counterfeit male enhancement supplements, at the above locations and elsewhere.

## MONEY LAUNDERING

### Introduction

19. From in or about December 2011 through in or about November 2012, SYED deposited more than \$600,000 into and through his bank accounts in New Jersey, and he also wired more than \$1,000,000 to China. These deposits and wires represented the proceeds of SYED's illegal importation of and trafficking in counterfeit male enhancement products from China, and were intended by SYED to promote the carrying on of his trafficking in counterfeit goods.

### Acts of Money Laundering

20. SYED maintains two accounts at Wells Fargo Bank. One account is held in the name of S & R USA LLC (the "Operating Account"). The second account is held in SYED's name (the "Personal Account"). Both accounts are associated with SYED's former residence at Greenville Avenue.

21. SYED and his wife are the signatories to the Operating Account. S & R USA LLC ("S & R") is registered with the New Jersey Department of the Treasury Division of Revenue as an import, wholesale, and distribution company.

22. SYED's emails, discussed above, revealed communications evincing numerous shipments of male enhancement supplements to and from S & R at the Greenville Avenue residence.

23. Postal checks further revealed hundreds of packages originating in Hong Kong and destined for the Greenville Avenue residence.

24. Internet searches revealed no website or yellow-page listing for S & R. The Greenville Avenue residence is a home with no signage or other indicia of a business located at the home.

25. A review of bank records during the period from December 2011 to November 2012 revealed that the Operating Account received credits in the forms of cash, money orders, wire transfers, book transfers (an internal account transfer within the bank), and checks, totaling approximately \$681,000.

26. The checks that were deposited into the Operating Account appeared to be from companies that purchased counterfeit goods from SYED. For example, one of the checks deposited into the Operating Account was from an individual in Bellerose, New York in the amount of \$559. The memo section of the check stated "Male Enhancement Pills." In addition, other checks deposited into the Operating Account also referenced purchase orders, invoice numbers, and "pills" in the memo section.

27. The book transfers originated from the Personal Account. SYED is the only signatory to the Personal Account and the address associated with the Personal Account is the Greenville Avenue residence. A review of the Personal Account from in or about April 2012 through in or about November 2012 revealed that it was funded with predominately cash deposits totaling approximately \$65,000. The total of book transfers from the Personal Account to the Operating Account was approximately \$16,000. There was no evidence in the Personal Account of payroll or other deposits consistent with SYED being otherwise legitimately employed.

28. The deposits into the Operating Account were utilized predominantly for funding wire transfers to China, totaling approximately \$465,000. Based upon the above described investigation and SYED's comments to the HSI UC on March 26, 2012, as described above in paragraph 9, there is probable cause to believe that these transfers were for the purchase of additional counterfeit goods.

29. A review of Western Union money remittance records from in or about September 2009 through in or about July 2012 revealed that SYED, and others associated with SYED, transferred more than \$473,000 to some of the same individuals who received wire transfers from the Operating Account and to other individuals located in China. These transfers were in the form of debit card charges to the Operating Account or cash. The amount of cash remitted totaled approximately \$359,000. Below is a sample of Western Union transfers initiated by SYED to China:

Date	Time	Amount LOC	Sender	Sender Agent	Receiver
03/10/12	12:29:00	\$1,100.00	SHUJA SYED	APH236032	ZHIZHOU DUAN
03/10/12	12:27:00	\$1,900.00	SHUJA SYED	APH236032	BO ZHOU
03/07/12	16:36:00	\$1,900.00	SHUJA SYED	APH202383	BO ZHOU
03/07/12	16:25:00	\$1,800.00	SHUJA SYED	APH202383	LIJIN YOU
03/07/12	16:23:00	\$1,900.00	SHUJA SYED	APH202383	BO ZHOU
02/24/12	20:51:00	\$1,000.00	SHUJA SYED	ANY042871	XIAO JIE SUN
02/24/12	20:47:00	\$1,940.00	SHUJA SYED	ANY042871	XIAO JIE SUN
02/23/12	20:22:00	\$1,900.00	SHUJA SYED	APH232807	BO ZHOU
02/20/12	11:53:00	\$2,750.00	SHUJA SYED	APH236032	ZHIZHOU DUAN
02/20/12	11:51:00	\$1,800.00	SHUJA SYED	APH236032	YAOJIANG XU
02/20/12	11:49:00	\$1,900.00	SHUJA SYED	APH236032	BO ZHOU
02/10/12	20:52:00	\$1,350.00	SHUJA SYED	ANY042871	BO ZHOU
02/10/12	20:48:00	\$1,400.00	SHUJA SYED	ANY042871	SHENG LI
02/10/12	20:45:00	\$1,800.00	SHUJA SYED	ANY042871	YAOJIANG XU
02/08/12	20:18:00	\$1,900.00	SHUJA SYED	APH232807	SHENG LI
02/08/12	20:17:00	\$1,900.00	SHUJA SYED	APH232807	BO ZHOU
02/03/12	23:34:00	\$1,900.00	SHUJA SYED	APH201535	BO ZHOU
02/03/12	23:33:00	\$1,200.00	SHUJA SYED	APH201535	ZHIZHOU DUAN
01/15/12	19:03:00	\$1,300.00	SHUJA SYED	APH232807	BO ZHOU
01/15/12	19:02:00	\$1,650.00	SHUJA SYED	APH232807	XIAO JIE SUN

30. Additionally, the investigation revealed that SYED and his wife utilized Money Gram in the same manner as Western Union. The total amount remitted was more than \$71,000, with SYED remitting approximately \$56,000 and his wife remitting approximately \$15,000. The money was remitted to some of the same entities in China that received money from SYED via Western Union. According to Money Gram, these remittances appeared to be cash transactions. Below is a sample of Money Gram transfers initiated by SYED or his wife to China:

Date	Amount	Sender	Sending Agent	Receiver
11/29/12	\$2,500.00	SHUJA SYED	SATELLITE AND CELLULARS	LIANG SUN
11/29/12	\$5,000.00	RAKSHAND SYED	SATELLITE AND CELLULARS	LIANG SUN
11/19/12	\$2,500.00	SHUJA SYED	TIGER DELI & GROCERY	HONG LIANG CHEN
11/19/12	\$5,000.00	RAKSHAND SYED	TIGER DELI & GROCERY	HONG LIANG CHEN
11/19/12	\$1,600.00	SHUJA SYED	TIGER DELI & GROCERY	ZHIZHOU DUAN
11/15/12	\$2,500.00	RAKSHAND SYED	TIGER DELI & GROCERY	LIANG SUN
11/15/12	\$2,500.00	SHUJA SYED	TIGER DELI & GROCERY	LIANG SUN
11/14/12	\$2,900.00	SHUJA SYED	TIGER DELI & GROCERY	LIANG SUN
11/14/12	\$2,800.00	RAKSHAND SYED	TIGER DELI & GROCERY	LIANG SUN
11/14/12	\$2,610.00	SHUJA SYED	TIGER DELI & GROCERY	ZHIZHOU DUAN