

NEWS

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FOR IMMEDIATE RELEASE
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Doctor Sentenced to 14 Months in Federal Prison for Substituting
Unapproved Drug for Botox in the Treatment of Patients

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TRENTON – A doctor with offices in Stafford Township and Montclair was sentenced to 14 months in federal prison today for his conviction of charges related to his substitution of a cheaper and unapproved drug for the FDA-approved drug BOTOX™ in the treatment of patients, U.S. Attorney Christopher J. Christie announced.

U.S. District Judge Anne E. Thompson also ordered Dr. Albert Poet, 58, of Stafford Township, to pay a \$15,000 fine and to serve two years of supervised release, during which he is to refrain from practicing medicine. Judge Thompson continued Poet's \$100,000 bond pending his surrender to the U.S. Bureau of Prisons on or before Nov. 12.

On March 20, 2007, after four hours of deliberations that began March 19, the jury convicted Dr. Poet on all 14 counts of the Indictment, which was returned on Aug. 24, 2006. Poet was convicted on 13 counts of mail fraud and one count of misbranding a drug while held for sale. The case was tried by Assistant U.S. Attorneys Eugenia A.P. Cowles and James P. Lynch.

Poet was arrested on Aug 25, 2006, by Special Agents of the U.S. Food and Drug Administration, Office of Criminal Investigations.

According to the Indictment, Poet, a licensed physician, owned and operated Shore Laser Center in Stafford Township and operated an office at PEAU, a spa/salon in Montclair. Poet advertised "Botox" treatments in local newspapers and maintained a website to promote his services.

During the trial, the jury heard the testimony of 11 government witnesses and viewed evidence regarding Poet's scheme to profit from the use of a less expensive and unapproved form of Botulinum Toxin Type A by selling it to his patients as, and at the price of, the more expensive FDA-approved BOTOX™.

In convicting Poet, the jury found that he purchased an unapproved form of Botulinum Toxin Type A (the TRI product) from a company named Toxin Research International (TRI), located in Arizona. The company marketed and sold the TRI product from mid-2003 until December 2004. The jury heard testimony and viewed evidence that TRI marketed and sold its product in injectable vials which were labeled "For Research Purposes Only/Not for Human Use."

The jury found that from December 2003 until late 2004, Poet injected patients with the TRI product without informing them that they were not receiving BOTOX™ or that it was not FDA approved.

In determining the actual sentence, Judge Thompson consulted the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if

any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence. Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Christie credited Special Agents of the U.S. Food and Drug Administration, Office of Criminal Investigations, under the direction of Special Agent in Charge Kim A. Rice, for their investigation of the case.

The government is represented by Assistant U.S. Attorneys Eugenia A.P. Cowles and James P. Lynch of the Criminal Division in Trenton.

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Defense Attorney: William Hughes, Esq. Atlantic City
Jerome Ballarotto, Esq. Trenton