

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :

-v- :

NIKKI HASKELL, and :

BALANCED HEALTH PRODUCTS, :

Defendants. :

- - - - - x

INFORMATION

14 Cr.

COUNT ONE
(Misbranding)

The United States Attorney charges:

RELEVANT PERSONS AND ENTITIES

1. The United States Food and Drug Administration (FDA) is a federal agency responsible for enforcing the provisions of the Federal Food, Drug, and Cosmetic Act, Title 21, United States Code, Section 301, et seq. The FDA's responsibilities include, among other things, ensuring the safety, efficacy and accurate labeling of prescription and non-prescription drugs shipped, delivered, and received in interstate commerce.

2. At all times relevant to this Information, NIKKI HASKELL, the defendant, was the President and Chief Executive Officer of BALANCED HEALTH PRODUCTS, the defendant, and resided in New York, New York.

3. From at least in or about November 2006, through and

including approximately December 2008, BALANCED HEALTH PRODUCTS ("BHP"), the defendant, was a Delaware corporation headquartered in New York, New York. BHP's primary business was the distribution across the United States of a purportedly all-natural weight-loss pill known as Nikki Haskell's StarCaps ("StarCaps").

The Defendants' Misbranding


4. At all times relevant to this Information, according to its product label, StarCaps contained only all-natural ingredients including, for example, papaya extract. In truth and fact, however, while not reflected on its label, from at least approximately November 2006 through approximately December 2008, StarCaps also contained a prescription drug, Bumetanide, a diuretic drug used clinically to treat heart failure, acute renal failure, high blood pressure, and edema and available in the United States only by prescription issued by a licensed physician.

5. At all times relevant to this Information, in addition to being available only by prescription, Bumetanide was banned by certain professional sports organizations including the National Football League ("NFL"). Among other things, Bumetanide was banned by the NFL because it can be used to mask the presence in the human body of steroids and other banned doping agents.

Statutory Allegations

6. From in or about November 2006, up to and including in or about December 2008, in the Southern District of New York and elsewhere, NIKKI HASKELL and BALANCED HEALTH PRODUCTS, the defendants, did introduce and deliver for introduction, into interstate commerce, the drug Bumetanide, which was misbranded within the meaning of Title 21, United States Code, Section 352(e)(1)(A)(ii), in that its labeling did not bear the established name, quantity and proportion of each active ingredient, to wit, HASKELL and BALANCED HEALTH PRODUCTS shipped, from New York to destinations outside of New York, bottles of dietary supplement pills containing Bumetanide bearing labels that failed to list Bumetanide as an ingredient.

(Title 21, United States Code, Sections 331(a) and 333(a)(1).)


PREET BHARARA
United States Attorney