

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

**UNITED STATES OF AMERICA**

**CASE NO.: 3:19mj102**

**v.**

**SON CHU GILLIAM**  
\_\_\_\_\_ /

**STATEMENT OF FACTS**

The parties agree with the truthfulness of the following factual basis for Defendant's guilty plea. The undersigned parties further agree that not all of the facts known from this investigation are contained in this brief summary.

On or about May 25, 2015, a shipment of approximately 600 suspected counterfeit contact lenses were seized as they were being imported into the United States from China. The shipment was being sent from China to Defendant at her business address for her business "ALL ABOUT INK." According to the commercial invoice attached to the package, the contents were declared to contain "Sample of Art Movie" with a declared value of \$20.00. When the package arrived into Cincinnati, Ohio, it was inspected by Custom and Border Patrol officers and found to contain approximately 600 Plano contact lenses as well as separate packaging and labels marked "FreshLook Colorblends."

Law enforcement officials contacted Novartis, the maker of "FreshLook

Colorblends,” to determine if the seized contact lenses were legitimate. After reviewing photographs of the seized contact lens, Novartis stated that the contact lenses were counterfeit.

The seized contact lenses were sent to the FDA laboratory for a determination as to legitimacy and sterility. Following their review and analysis, FDA is prepared to testify that the contact lenses seized were misbranded. FDA also noted that the seized contact lenses represented a potential health hazard. Four random samples were taken from the 600 contact lenses seized and sent to the FDA lab for testing. The analysis revealed two of the four samples contained microbial contamination. The government is prepared to have FDA analysts testify how such microbial contamination can cause irritation to an individual's eyes. As a result of their findings, FDA analysts are prepared to testify that the seized contact lenses were adulterated.

Between July 7, 2015, and October 30, 2015, agents acting in an undercover capacity made three controlled purchases of contact lenses from Defendant or another individual who was employed by Defendant at ALL ABOUT INK. During one of the controlled purchases, Defendant informed the undercover agent that she had been selling contact lenses for years. Samples of some of the contact lenses purchased were sent to the FDA laboratory for analysis. The analysis

revealed that a number of those analyzed contained microbial contamination. As a result of their findings, FDA analysts are prepared to testify that the purchased contact lenses were adulterated.

On January 28, 2016, agents executed a federal search warrant at ALL ABOUT INK. During the search, agents located and seized 200 pairs of contact lenses. The FDA lab randomly selected forty-seven pairs of contact lenses from the 200 seized and tested them. The analysis revealed that seventeen of the forty-seven pairs of contacted lenses tested contained microbial contamination. As a result of their findings, FDA analysts are prepared to testify that the seized contact lenses were adulterated.

Agents provided *Miranda* warnings to Defendant and she agreed to waive her rights and answer questions. In sum, Defendant stated that ALL ABOUT INK was her business. When asked about selling contact lenses, Defendant admitted to selling them for the past two years.

Agents also seized Defendant's cellular telephone, a thumb drive, and a desktop computer. The forensic analysis of those devices revealed emails from Defendant to a company called UGW EXPRESS (a company known by law enforcement to be a supplier of illegal contact lenses), and emails from the website dhgate.com (a website known by law enforcement to be a Chinese company that

sells illegal contact lenses). In addition, the analysis identified a copy of an invoice dated September 20, 2013, for an order of various contact lenses from UGW EXPRESS Company. The total price for that order was \$3,138.

FDA analysts are prepared to testify that each of the contact lenses that were analyzed as noted above were misbranded, and the contact lenses that contained microbial contamination were adulterated. FDA analysts are prepared to testify that each of the contact lenses that were analyzed as noted above meet the definition of “medical devices” and “prescription devices.” FDA analysts are prepared to testify that each of the contact lenses traveled in interstate commerce.

**ELEMENTS:**

**Counts One and Two:**

- First:** the contact lenses referenced in the information were devices;
- Second:** On or about the dates listed in the information, Defendant received the devices in interstate commerce;
- Third:** At the time that the devices were received by Defendant, they were adulterated (Count One) / misbranded (Count Two); and
- Fourth:** After Defendant received the adulterated / misbranded devices, on or about the dates listed in the information, Defendant delivered that device, or proffered the delivery of that device for pay or otherwise.

**Count Three:**

- First:** the contact lenses referenced in the information were prescription devices;
- Second:** The prescription devices had moved in interstate commerce;
- Third:** On or about the dates listed in the information, Defendant caused acts with respect to prescription devices that were held for sale, that is Defendant sold or dispensed contact lenses without a valid prescription of a licensed practitioner; and
- Fourth:** Defendant's acts resulted in the prescription devices being misbranded.

LAWRENCE KEEFE  
United States Attorney



RYAN M. CARDOSO  
Attorney for Defendant

6/27/19  
Date



J. RYAN LOVE  
Assistant United States Attorney  
Florida Bar No. 0637920  
Northern District of Florida  
21 E. Garden Street, Suite 400  
Pensacola, Florida 32502-5675  
850-444-4000

6/27/19  
Date



SON CHU GILLIAM  
Defendant

6-27-19  
Date