

2024R00940/JRE/GS

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CLERK, U.S. DISTRICT COURT - DNJ

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA :

Hon. Esther Salas

Crim No. 25-718

v. :

I hereby attest and certify on 11-14-2025
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

MOHAMMAD ABUHADBA :

18 U.S.C. § 1343

18 U.S.C. § 506(a)(2)

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY

DEPUTY CLERK

INDICTMENT

The Grand Jury in and for the District of New Jersey, sitting in Newark,
charges as follows:

COUNTS ONE AND TWO
(Wire Fraud)

1. At times relevant to this Indictment:

Individuals and Entities

a. Defendant Mohammad Abuhadba ("ABUHADBA") was a resident of Wayne, New Jersey who (i) founded and owned a New Jersey-based e-cigarette company (the "ABUHADBA Company"), and (ii) owned 20% of a separate successor e-cigarette company based in New Jersey that acquired the purported assets of the ABUHADBA Company (the "E-Cigarette Company").

b. Individual-1 was a resident of Edison, New Jersey, who owned a tobacco distribution company and co-founded the E-Cigarette Company with ABUHADBA and others.

c. Individual-2 was a resident of Edison, New Jersey, who co-founded the E-Cigarette Company with ABUHADBA and others.

d. The E-Cigarette Company advertised itself as an online seller of tobacco products, including flavored tobacco and e-cigarettes, commonly known as vapes, which are battery-operated devices that heat a liquid and produce an aerosol that typically contains nicotine.

e. Zelle was a digital payments network and platform headquartered in Scottsdale, Arizona.

f. Bank-1 was a financial institution headquartered in New York, New York.

**Background on the U.S. Food and Drug Administration's
Premarket Tobacco Product Application Process**

2. The Food, Drug, and Cosmetic Act (Title 21, United States Code § 387 *et seq.*) authorized the U.S. Food and Drug Administration ("FDA") to oversee and regulate the production and sale of tobacco products, among other things.

3. In particular, under the Family Smoking Prevention and Tobacco Control Act of 2009, the FDA is authorized to regulate the manufacture, marketing, sale, and distribution of tobacco products, including "new tobacco products," *i.e.*, any tobacco product not commercially marketed in the U.S. as of February 15, 2007.

4. Before introducing a new tobacco product to the U.S. market, a company must submit a marketing application to the FDA and receive authorization called a Marketing Granted Order ("MGO"). The new products and their applications were comprehensively evaluated by FDA scientists, who determined whether the application proved the new tobacco product met the applicable statutory standards.

5. Companies must have an MGO to lawfully market new tobacco products and may obtain an MGO for new tobacco products through a Premarket Tobacco Product Application (“PMTA”) process. Among other things, this process required applicants to demonstrate that the new tobacco product would be “appropriate for the protection of the public health” and considered the increased or decreased likelihood that (i) existing users of tobacco products would stop using such products and (ii) those who do not use tobacco products would start using such products.

6. The FDA memorialized MGOs on official letters bearing the FDA’s letterhead and seal, which personnel from its Center for Tobacco Products Office of Science typically signed. These letters also identified, by way of submission tracking numbers (“STNs”), the particular new tobacco product for which the FDA approved marketing.

7. The FDA’s public website maintained a searchable database of, among other things, all new tobacco products that the FDA had authorized through the PMTA process and for which it had issued an MGO.

The Scheme to Defraud

8. From in or around November 2023 through in or around October 2024, in the District of New Jersey, and elsewhere, the defendant,

MOHAMMAD ABUHADBA,

did knowingly and intentionally devise, and intend to devise, a scheme and artifice to defraud, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, as set forth below.

Goal of the Scheme to Defraud

9. The goal of the scheme was for ABUHADBA to enrich himself by fraudulently obtaining money from Individual-1 and Individual-2 through false representations that ABUHADBA had obtained MGOs from the FDA.

Manner and Means of the Scheme to Defraud

10. It was part of the scheme to defraud that:

a. In or around November 2023, Individual-1 was introduced to ABUHADBA through a business associate to discuss collaborating on an e-cigarette business venture involving the production and sale of e-cigarette products.

ABUHADBA Provided the Fraudulent MGOs to Individual-1 and Individual-2

b. After Individual-1 met ABUHADBA, on several occasions, ABUHADBA misrepresented to Individual-1 and Individual-2 that ABUHADBA, through the ABUHADBA Company, had obtained three MGOs from the FDA authorizing his company to sell several e-cigarette products ("Fraudulent MGO-1," "Fraudulent MGO-2," and "Fraudulent MGO-3," and collectively, the "Fraudulent MGOs"). The FDA had not, in fact, issued MGOs to the ABUHADBA Company. For example:

i. On or about December 14, 2023, ABUHADBA sent Individual-1 via WhatsApp, an instant messaging service, various photographs of documents that purported to establish the legitimacy of the ABUHADBA Company, including, among other things, incorporation documents for the ABUHADBA

Company, photographs of product prototypes, and an excerpt of the first page of Fraudulent MGO-1.

ii. On or about December 20, 2023, ABUHADBA provided Individual-1 and Individual-2 with copies of the Fraudulent MGOs during an in-person meeting to discuss the business venture.

iii. On or about January 17, 2024, ABUHADBA sent Individual-2 via WhatsApp excerpts of Fraudulent MGO-1 and Fraudulent MGO-2.

ABUHADBA Used the Fraudulent MGOs to Persuade Individual-1 and Individual-2 to Invest in the E-Cigarette Company

c. On or about January 1, 2024, Individual-1 and Individual-2 entered into an agreement with ABUHADBA to create the E-Cigarette Company. As part of that agreement, ABUHADBA agreed to transfer the Fraudulent MGOs—which Individual-1 and Individual-2 believed were legitimate—from the ABUHADBA Company to the newly-formed E-Cigarette Company in exchange for a 20% ownership interest in the E-Cigarette Company. Individual-1 and Individual-2's family members would own the remaining 80% ownership interest of the E-Cigarette Company. Additionally, ABUHADBA also agreed to assist the E-Cigarette Company in communicating with the FDA and obtaining necessary business licensing, while Individual-1 and Individual-2 would be primarily responsible for business operations and growth.

d. On several occasions, ABUHADBA persuaded Individual-1 and Individual-2—who falsely believed that the E-Cigarette Company could market and sell e-cigarette products based on ABUHADBA providing and touting the Fraudulent

MGOs—to send funds to reimburse ABUHADBA for certain business expenditures on behalf of the E-Cigarette Company. For example:

i. On or about January 5, 2024, ABUHADBA sent Individual-2 a photograph of a falsified bank account statement that purported to show that ABUHADBA had more than \$2.7 million in one of his bank accounts and asked Individual 2: “[i]s it possible to see if you guys can Zelle me half of the fees for the Tobacco tax I paid ?” In response, Individual-2 responded, “sure, we will give you the full amount! The daily max for zelle is 3500 so I’m gonna send that now and the rest tomorrow.” That same day, Individual-2 sent ABUHADBA via Zelle \$3,500, which was deposited into ABUHADBA’s bank account at Bank-1.

ii. On or about January 17, 2024, immediately after sending Individual-2 via WhatsApp excerpts of Fraudulent MGO-1 and Fraudulent MGO-2, ABUHADBA sent Individual-2 a message asking, “can you see if you guys can send me 3 [\$3,000] out of what I paid for the oil.” E-cigarette “oil” is the liquid heated by electronic cigarettes to create an aerosol that users inhale. The next day, January 18, Individual-2 sent ABUHADBA via Zelle the requested \$3,000, which was deposited into ABUHADBA’s bank account at Bank-1.

iii. On or about that same day, January 18, 2024, ABUHADBA sent Individual-2 via WhatsApp a message stating, “FDA will be sending out a envelope next week to your address with everyone’s names on the pmta [Premarket Tobacco Product Application] “stn’ [submission tracking] numbers,” to which Individual-2 responded, “okay, I’ll keep an eye out for it!”

iv. On or about January 26, 2024, Individual-2, through the E-Cigarette Company, paid ABUHADBA approximately \$20,339 as reimbursement for expenditures which ABUHADBA purportedly made on behalf of the E-Cigarette Company.

v. On or about January 31, 2024, ABUHADBA sent Individual-1 and Individual-2 via WhatsApp a photograph that ABUHADBA appeared to take while attending an e-cigarette convention in Las Vegas. In his message, he touted the value of PMTAs, which were in fact a reference to the Fraudulent MGOs. He stated, “[thumbs up emoji], You should feel good walking around knowing you are the only one that has that PMTA. All the other companies don’t matter.”

vi. On or about February 15, 2024, ABUHADBA sent each of Individual-1 and Individual-2 via WhatsApp a falsified photograph that purported to show that the FDA’s searchable online database of MGOs (the “FDA Database”) included the Fraudulent MGOs. The FDA, however, had not in fact issued any MGOs to ABUHADBA or the ABUHADBA Company and so, in reality, the Fraudulent MGOs were not included in the FDA Database.

vii. In total, between January 2024 and July 2024 and in reliance on the legitimacy of the Fraudulent MGOs, Individual-1 and Individual-2 sent ABUHADBA payments totaling at least approximately \$50,000 to invest in the E-Cigarette Company.

ABUHADBA Attempted to Conceal the Illegitimacy of the Fraudulent MGOs from Individual-1 and Individual-2

e. On several occasions in 2024 after being provided with the Fraudulent MGOs, Individual-1 and Individual-2 asked ABUHADBA to confirm that the E-Cigarette Company had in fact obtained MGOs from the FDA authorizing it to lawfully sell e-cigarette products. In response, ABUHADBA repeatedly lied to Individual-1 and Individual-2 about the legitimacy of the Fraudulent MGOs in an attempt to conceal his fraudulent scheme. For example:

i. On or about February 28, 2024, Individual-2 sent ABUHADBA and Individual-1 a link to the FDA Database. Individual-2, noting that the FDA Database website did not include the Fraudulent MGOs included in the picture of the FDA Database that ABUHADBA had previously sent, asked ABUHADBA “are we not on this list [from the database] because we don’t have products out yet?” ABUHADBA replied, “[w]e are not on E commerce meaning the moment we tell them we are putting out products on shelves and paying the taxes we are on 1st of month.” To lend further credence to his explanation, ABUHADBA added, “[t]he pmta numbers we all have u can verify anytime with fda[.]” In reality, the Fraudulent MGOs were not in the FDA Database because the FDA had never issued MGOs to the ABUHADBA Company.

ii. On or about July 11, 2024, and several times thereafter, Individual-2 requested that ABUHADBA send to Individual-1 and Individual-2 the files relating to the ABUHADBA Company’s PMTA process that resulted the FDA issuing it the MGOs (the “PMTA Files”). In response, ABUHADBA falsely told Individual-1 and Individual-2 that only his attorney had access to the PMTA Files. ABUHADBA represented to Individual-1 that he needed to pay the attorney \$3,500

to release the PMTA Files and asked Individual-1 to provide the funds, which Individual-1 sent to an individual at ABUHADBA's direction via Zelle on or about July 25, 2024. ABUHADBA represented to Individual-1 and Individual-2 that he would have the PMTA Files sent to their address on a USB flash drive.

iii. On or about August 13, 2024, Individual-2 sent an email to ABUHADBA following up on the status of the PMTA Files that ABUHADBA had said his lawyer was providing, stating, "we are still waiting for you to send the original files that you submitted to get the PMTA. The paper copies of the 2 MGOs you sent still have nothing for menthol. We are waiting for you to send everything to move forward." The next day, August 14, 2024, ABUHADBA sent Individual-1 and Individual-2 via WhatsApp a message stating, "[a]ll mgos are on the paperwork [PMTA Files] the usb says it was received on Saturday. There is nothing missing. Its either we are doing this or not." Notwithstanding these continued fraudulent representations, ABUHADBA, never sent Individual-1 and Individual-2 the PMTA Files.

***ABUHADBA Used Additional Fraudulent FDA Letters
to Conceal His Scheme to Defraud***

f. On several occasions in July and August 2024, Individual-2 contacted FDA personnel to ask about the legitimacy of the Fraudulent MGOs and the process of transferring ownership of the Fraudulent MGOs from the ABUHADBA Company to the E-Cigarette Company.

g. The FDA responded to ABUHADBA concerning Individual-2's questions by letter, dated September 4, 2024 (the "FDA Letter"), which stated: "based

on our records, the [Fraudulent MGOs] listed in your request for transfer of ownership **are not** owned by [the ABUHADBA Company]” (emphasis added).

h. Rather than sending the FDA Letter, ABUHADBA sent Individual-1 and Individual-2 via WhatsApp on September 6, 2025 photographs of a doctored version of the FDA Letter (the “Fraudulent FDA Letter”) which changed the FDA response to read: “based on our records, the [Fraudulent MGOs] listed in your request for transfer of ownership **are** owned by [ABUHADBA] DBA [the ABUHADBA Company]” (emphasis added), and the “PMTAs cannot be transferred to the [E-Cigarette Company] if [ABUHADBA] is not a shareholder[] of [the E-Cigarette Company] of 25 percent of the corporation.” In reality, the FDA Letter did not state that ABUHADBA’s ownership interest in the E-Cigarette Company was below any FDA threshold to permit ownership transfer of MGOs because the FDA does not have such an ownership threshold requirement.

i. That same day, ABUHADBA sent Individual-1 and Individual-2 via WhatsApp a message feigning surprise at the Fraudulent FDA Letter, remarking that, “[a]ll because of a percentage & the dba [doing business as] I have to remove?”

j. On or about September 10, 2024, ABUHADBA sent a text message to Individual-1 stating, “[b]rother we have approval from fda to do under [the “ABUHADBA Company] if u still worried I have people who are interested in putting up the funds to do it.” He added, referring to the Fraudulent MGOs, that “[n]o company have what we have and we not taking it seriously.”

k. On or about September 23, 2024, Individual-2 sent Individual-1 and ABUHADBA via WhatsApp a message stating, “I am uploading the letter to meet

with the FDA on the portal tonight” concerning the issues raised in the Fraudulent FDA Letter. On or about October 16, 2024, ABUHADBA sent a text message to Individual-1 regarding the meeting request, stating, “[j]ust spoke to [FDA personnel] they sent a Certified copy to your address should receive today or tomorrow.”

l. On or about that same date, Individual-1 and Individual-2 received a letter, dated October 15, 2024, from the FDA and addressed to the E-Cigarette Company (the “October FDA Letter”). The October FDA Letter acknowledged receipt of correspondence from Individual-2, dated September 25, 2024, requesting a meeting to “seek clarification regarding the change of ownership,” but stated that “[t]he meeting request is denied” because, among other reasons, the FDA would not provide new information beyond what was explained in the FDA Letter.

m. On or about October 17, 2024, ABUHADBA sent a text message to Individual-1 stating, “[b]rother what is the plan since meeting [with the FDA] was denied.” The next day, ABUHADBA sent Individual-1 additional text messages stating, “[y]ou have all the proof that the project was all fda approved,” referring to, among other things, the Fraudulent FDA Letter.

ABUHADBA Used Counterfeit FDA Seals in the Fraudulent MGOs and the Fraudulent FDA Letter

n. During the investigation, law enforcement learned that the Fraudulent MGOs that ABUHADBA transmitted to Individual-1 and Individual-2 bore counterfeited FDA seals and were not in fact issued by the FDA.

o. Similarly, the Fraudulent FDA Letter that ABUHADBA used to further perpetuate the scheme was not authorized by the FDA.

p. Furthermore, during the investigation, law enforcement learned that ABUHADBA never submitted a PMTA to the FDA or proceeded through the PMTA process in any way, and the FDA never in fact issued any MGOs to ABUHADBA or the ABUHADBA Company.

11. On or about the dates set forth below, for the purpose of executing and attempting to execute the scheme and artifice to defraud, in the District of New Jersey, and elsewhere, the defendant,

MOHAMMAD ABUHADBA,

knowingly transmitted and caused to be transmitted by means of wire communication in interstate and foreign commerce, the following writings, signs, signals, pictures, and sounds, each constituting a separate count of this Indictment:

Count	Approximate Date	Description
ONE	January 5, 2024	ABUHADBA caused Individual-2 to transmit approximately \$3,500 for the E-Cigarette Company into ABUHADBA's bank account at Bank-1 via interstate wire transmission through the District of New Jersey.
TWO	January 18, 2024	ABUHADBA caused Individual-2 to transmit approximately \$3,000 for the

		E-Cigarette Company into ABUHADBA's bank account at Bank-1 via interstate wire transmission through the District of New Jersey.
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In violation of Title 18, United States Code, Section 1343.

COUNTS THREE THROUGH FIVE

(Use of a Counterfeit Seal of an Agency of the United States)

12. The allegations in paragraphs 1 through 7, 9 and 10 of this Indictment are realleged here.

13. On or about the dates set forth below, in the District of New Jersey, and elsewhere, the defendant,

MOHAMMAD ABUHADBA,

did knowingly use, affix, and impress a fraudulently made, forged, counterfeited, mutilated, and altered seal of the U.S. Food and Drug Administration to and upon a certificate, instrument, commission, document, and paper, as set forth more fully below, each use constituting a separate Count of this Indictment:

Count	Approximate Date	Related Count
THREE	December 20, 2023	Use of a counterfeited FDA seal by providing Individual-1 and Individual-2 with a copy of Fraudulent MGO-1
FOUR	December 20, 2023	Use of a counterfeited FDA seal by providing Individual-1 and Individual-2 with a copy of Fraudulent MGO-2
FIVE	December 20, 2023	Use of a counterfeited FDA seal by providing Individual-1 and Individual-2 with a copy of Fraudulent MGO-3

In violation of Title 18, United States Code, Section 506(a)(2).

FORFEITURE ALLEGATIONS AS TO COUNTS ONE AND TWO

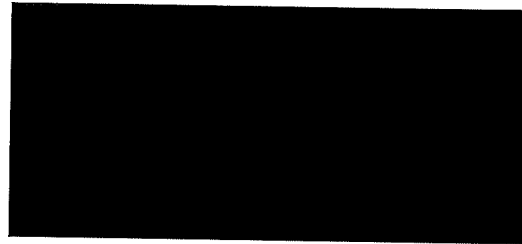
Upon conviction of the offenses charged in Counts One and Two of this Indictment, the government will seek forfeiture from defendant ABUHADBA, in accordance with Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(C), of any and all property, real or personal, that constitutes or is derived from proceeds traceable to the violations of Title 18, United States Code, Section 1343.

SUBSTITUTE ASSET PROVISIONS

If any of the forfeitable property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty,

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of defendant ABUHADBA up to the value of the property described in this forfeiture allegation.



TODD BLANCHE
U.S. Deputy Attorney General

/s/ Alina Habba / bah
ALINA HABBA
Acting U.S. Attorney
Special Attorney

/s/ Jessica R. Ecker
Jessica R. Ecker
Garrett J. Schuman
Assistant U.S. Attorneys

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CASE NUMBER: 25-718

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

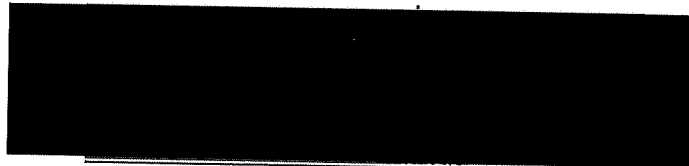
MOHAMMAD ABUHADBA

INDICTMENT FOR

18 U.S.C. § 1343

18 U.S.C. § 506(a)(2)

A True Bill,



**TODD BLANCHE
U.S. DEPUTY ATTORNEY GENERAL**

**ALINA HABBA
ACTING U.S. ATTORNEY
SPECIAL ATTORNEY**

**JESSICA R. ECKER
GARRETT SCHUMAN
ASSISTANT U.S. ATTORNEYS**
