

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :   
:   
- v. - : SEALED INDICTMENT   
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SARAH IZHAKI, and : 20 Cr.   
ASHLEY LEBOWITZ, :   
:   
Defendants. :   
:   
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**COUNT ONE**  
**(Drug Adulteration and Misbranding Conspiracy)**

The Grand Jury charges:

1. Professional horse racing is a \$100 billion global industry, which draws millions of fans each year in the United States and around the world. Racehorses may sell at auction for well more than \$1,000,000 and compete for purses worth millions of dollars. In the United States, the horse racing industry is subject to an array of federal and state regulations aimed at protecting participating horses and ensuring fair competition, among other things. These regulations include proscription of the use of performance-enhancing drugs ("PEDs") and testing regimes designed to ensure that racehorses are not under their influence.

2. At all times relevant to this Indictment, SARAH IZHAKI and ASHLEY LEBOWITZ, the defendants, and others known and unknown, engaged in a scheme to distribute misbranded and

adulterated PEDs for administration to racehorses competing in, among other locations, Australia, the Middle East, New Jersey, and the Southern District of New York.

3. SARAH IZHAKI and her daughter, ASHLEY LEBOWITZ, the defendants, are suppliers of various PEDs. In particular, IZHAKI and LEBOWITZ distributed an adulterated and misbranded version of the drug erythropoietin, commonly referred to by participants in the horse racing industry, generally, by the brand name "Epogen," or by the shorthand "epo." Erythropoietin is used to boost a racehorse's red blood cell count in order to stimulate endurance during a race and improve race recovery. IZHAKI and LEBOWITZ obtained the erythropoietin they distributed (the "Firm-1 Drug") from a Mexico-based drug manufacturing company ("Firm-1") operating without a license to import drugs into the United States.

4. The Firm-1 Drug was misbranded and/or adulterated in several respects pursuant to the Federal Food, Drug and Cosmetic Act, 21 U.S.C. § 301, et seq. ("FDCA") and related regulations. The Firm-1 Drug (1) did not have requisite approvals from the Food and Drug Administration ("FDA") for use in an animal; (2) required a prescription but was administered without a valid prescription; (3) was deficiently labeled, for example, by not accurately listing details regarding the manufacturer, packer, or distributor, the contents of the packaging, or directions for use of the Firm-1

