

UNITED STATES DISTRICT COURT

DISTRICT OF

New Jersey

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

MAHMOUD A. ABUARQOUB
a/k/a "Mahmoud A. Arqoub"
a/k/a "Mahamoud A. Abu-Arqoub"
a/k/a "Mahamoud A. Argoub"
a/k/a/ " Mahamoud A. Abu-Arqoub"

Case Number: 04-1069

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my

knowledge and belief On or about November 17, 2004 in Atlantic County, in the District of New Jersey defendant(s) did,

(Track Statutory Language of Offense)

fraudulently and knowingly import and bring into the United States any merchandise contrary to the law, namely flu vaccines which were unapproved by the Food and Drug Administration, contrary to Title 21, United States Code, Section 331(d),

in violation of Title 18 United States Code, Section(s) 545 and 2

I further state that I am a(n) Special Agent and that this complaint is based on the following facts: see attachment A

Continued on the attached sheet and made a part of this complaint:

Yes [checked] No []

[Signature]
Signature of Complainant

William Pullen, Special Agent, ICE
Printed Name of Complainant

Sworn to before me and signed in my presence,

November 22, 2004
Date

at Camden
City and State

HONORABLE ANN MARIE DONIO
Name and Title of Judicial Officer

[Signature]
Signature of Judicial Officer

CONTENTS APPROVED
UNITED STATES ATTORNEY

By: _____
RENÉE M. BUMB, AUSA

Date: _____

ATTACHMENT A

I, William Pullen, a Special Agent with the Immigration and Custom Enforcement ("ICE"), having conducted an investigation and having spoken with other individuals, have knowledge of the following facts:

1. On or about October 27, 2004, MAHMOUD A. ABUARQOUB, a/k/a "Mahmoud A. Arqoub," a/k/a "Mahamoud A. Abu-Arqoub," a/k/a "Mahamoud A. Argoub," a/k/a "Mahamoud A. Abu-Arqoub", a citizen of the United States of America, purporting to represent Safad Corporation ("Safad"), approached Shore Memorial Hospital, Somers Point, New Jersey, offering to sell 20,000 Aventis Vaxigrip flu vaccines for \$65.00 per unit. Aventis Vaxigrip flu vaccines are unapproved for use in the United States by the Food and Drug Administration.

2. On October 28, 2004, a cooperating witness, an employee of Shore Memorial Hospital ("CW"), placed two consensually monitored telephone calls to a telephone number provided for Safad. MAHMOUD ABUARQOUB identified himself as a representative for Safad and agreed to sell 5,000 Aventis Vaxigrip flu vaccines for \$55.00 per unit to the hospital. ABUARQOUB also stated that the Aventis Vaxigrip vaccines were approved by the Food and Drug Administration for use in the United States.

3. On November 1, 2004, a consensually monitored telephone call was placed from Shore Memorial Hospital to Safad at 609-334-3738. MAHMOUD ABUARQOUB identified himself and stated that he needs a "letter of commitment/purchase order" from Shore Memorial Hospital to Safad. ABUARQOUB provided the following information for Safad, 112 Bala Drive, Somers Point, NJ 08244 C/o MAHAMOUD ARQOUB. ABUARQOUB advised that he would pick the letter up from Shore Memorial Hospital on November 2, 2004, at approximately 11:00 am.

4. At approximately 11:00 am on November 2, 2004, MAHMOUD ABUARQOUB entered Shore Memorial Hospital, identified himself as MAHAMOUD ARQOUB from SAFAD Corporation of 112 Bala Drive, Somers Point, NJ 08244, and retrieved a "letter of commitment/purchase order" from Shore Memorial Hospital to Safad. ABUARQOUB indicated that the delivery of flu vaccines would be on November 8, 2004.

5. On November 8, 2004, MAHMOUD ABUARQOUB telephoned Shore Memorial Hospital and stated that the flu vaccines would not be arriving on November 8, 2004, but would be arriving by Wednesday, November 10, 2004, by 5:00 PM. ABUARQOUB then provided a DHL shipping number 9555880316. Investigation into the DHL shipping number revealed the package was one piece shipped by H.A.T. EST in Jeddah, Saudi Arabia to Safad.

6. On November 15, 2004, MAHMOUD ABUARQOUB contacted the CW at Shore Memorial Hospital stating that DHL had shipped the package to the wrong facilities and DHL was still in possession of the package. ABUARQOUB also indicated that the Vaxigrip flu vaccines needed to remain at a certain temperature and was concerned regarding the shipping complications. ABUARQOUB then stated he was leaving the country to retrieve additional flu vaccines and bring them into the country himself.

7. On November 17, 2004, ICE agents were present at John F. Kennedy Airport in New York when Customs and Border protection officers seized DHL shipment number 9555880316. ICE agents then took possession of this package, which contained 810 Aventis Vaxigrip Flu vaccines. ICE agent kept 50 units of the flu vaccine then shipped the remaining 760 units to a Food and Drug Administration laboratory in Ohio.

8. On November 18, 2004, a controlled delivery was attempted to the address of 112 Bala Drive, Somers Point, NJ 08244. As anticipated, MAHMOUD ABUARQOUB was not present at this location because of his trip outside of the United States. No one else was present at the residence. Contact information and instructions for retrieving the package ^{were} ~~was~~ left at the residence.

9. On November 18, 2004, a call was placed to the number supplied by ICE agents to retrieve the DHL shipment. An ICE agent answered the call representing DHL customer services. The person calling represented herself as S.A., representing Safad. She stated that she was the wife of MAHMOUD ABUARQOUB and that he was out of the country. It was explained that since the package was pharmaceuticals that MAHMOUD ABUARQOUB would have to sign for the package since it was addressed to the care of him based on policy. S. A. agreed and stated that she would contact her husband for his return to the country. The call was terminated stating if there are any questions or developments concerning her husband's return to contact the provided number.