

Food and Drug Administration
Center for Food Safety and Applied Nutrition
Office of Special Nutritionals

ARMS#

13344



1 - AFFIDAVITS

000001

AFFIDAVIT

SAMPLE NO.

STATE OF

COUNTY OF

Before me, Stephen C. Eason, an employee of the Department of Health and Human Services, Food and Drug Administration, designated by the Secretary, under authority of the Act of January 31, 1925, 43 Statutes at Large 803; Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; Reorganization Plan No. 1 of 1953, Secs. 1-9, effective April 11, 1953; and P.L. 96-88, Sec. 509, 93 Statutes at Large 965 (20 U.S.C. 3508) effective May 4, 1980; to administer or take oaths, affirmations, and affidavits, personally appeared [redacted] in the county and State aforesaid, who, being duly sworn, deposes and says:

I am [redacted], the Step Mother of [redacted]
I live at [redacted]

On March 10, 1999 I provided Investigator Eason, with the Food & Drug Administration, with a sample of Hydroxycut, which consisted of 31 Capsules. Mr Eason also took photographs of the container which held the sample. The sample was collected from my place of employment; [redacted]

I obtained the sample from my son's housemate, [redacted] after I learned my stepson [redacted] had been involved in, or experienced a medical emergency, whereby he was transported to [redacted] in [redacted] At that time, the Emergency Room physicians were trying to determine what had happened to [redacted], as he was combative, incoherent, possibly having seizures, and the doctors needed to know if [redacted] was on Drugs.

The following information details what happened to [redacted]:

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (include ZIP Code)

Subscribed and sworn to before me at [redacted]

this 11 day of March, 19 99

(City and State)

[Handwritten Signature]

(Employee's Signature)

000002

Employee of the Department of Health and Human services designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.

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On the night of January 18, 1999, I was contacted by [redacted] in [redacted] and told [redacted] had been taken to the [redacted] because something had happened to him. They thought it was a seizure.

[redacted] works, in addition to his full time job, as a Ski Captain for [redacted]. He had gone to [redacted] on a day ski tour. He took a girl with him on a "first date." His girl friend, [redacted]?, later told me he debated not going because he didn't feel well - though he ultimately did go to [redacted]. His girl friend said he had not been acting like himself and was somewhat short-tempered prior to making the trip.

The day of the trip [redacted] did not ski much because he didn't feel well. Consequently, he remained in the lodge during the majority of the trip. He also was not able to eat ~~down~~ during the day of the trip.

At the end of the day, all the skiers returned to the bus for the trip home. After traveling approx. 20 miles from

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (include ZIP Code)

Subscribed and sworn to before me at [redacted] (City and State)

this 11 day of March, 19 99.

000003

[Signature] (Employee's Signature)

Employee of the Department of Health and Human services designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.

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[redacted] the ski group stopped for dinner. [redacted] got off the bus and returned shortly thereafter with a ^{sandwich} hot dog. He put the food in his lap, began opening the wrapper, then began blinking his eyes hard - put his head in his hands - threw his hot dog in the air and began screaming. He was also "frothing" at the mouth. Then he began singing songs that didn't make any sense. He was awake but incoherent. His girl friend got off the bus, found a man whose son is diabetic, and a nurse. The man thought the symptoms sounded like diabetic shock and tried to give [redacted] some sugar cubes and orange juice.

[redacted] had become combative, and the volunteer Emergency Medical Service had arrived. [redacted] was sweating and hot. He was presumed to be on drugs. He was transported to the [redacted]. He was admitted under a number because he had no identifying information.

After being called by [redacted] I called the

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FIRM'S NAME AND ADDRESS (include ZIP Code)

Subscribed and sworn to before me at [redacted] (City and State) this 11 day of March, 19 99.

Stach
(Employee's Signature)

000004

Employee of the Department of Health and Human services designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.

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[redacted] after much effort, I was able to locate him in the Emergency Room. The delay in locating him related to the fact he was known as a number, not a name.

My husband, [redacted] is [redacted] father and he departed immediately for [redacted] to be with his son. I also contacted [redacted] biological mother in [redacted] and she also went to [redacted]

I talked further with the doctors and was told he was very combative and required sedation. He remained incoherent. The doctors were concerned, were unable to pinpoint the problem and needed to know if [redacted] took drugs. I called his housemate and explained what had happened. His house mate did not know of any drugs [redacted] took but did say he took some "muscle stuff." I had him bring me the "muscle stuff" to my home. I then told the physician what [redacted] had been taking, which was called ~~as~~ Hydroxyout. The physician then began detoxify [redacted] from Hydroxyout.

[redacted] remained sedated because when the medicine used to

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (include ZIP Code)

Subscribed and sworn to before me at [redacted] (City and State)

this 11 day of March, 19 99.

St. J. L. Eason
(Employee's Signature)

000005

Employee of the Department of Health and Human services designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.

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Sedate him was allowed to wear-off, [redacted] would again become combative. [redacted] remained restrained and sedated in a coma-like state.

The physician was concerned due to the fact he was not becoming coherent. I explained that the one time he was sedated for repair of a broken nose, it took him three times longer than normal to come "out" of the anesthesia.

[redacted] remained on ^{ventilator} ~~life support~~ and in a coma until Wednesday morning. [redacted] had no memory of ^{anything} beyond getting ready to get on the bus to depart [redacted]

[redacted] memory remained severely impaired even when he was discharged from the hospital. He was unable to recall where he was even after being told he was in the hospital. He would laugh similar to a mentally retarded child, though he is not mentally challenged.

He was discharged on Thursday, January ~~24~~²¹, 1999, and when asked by the discharging nurse what month it was, [redacted] was unable to correctly identify the month.

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FIRM'S NAME AND ADDRESS (include ZIP Code)

Subscribed and sworn to before me at [redacted] (City and State)

this 11 day of March, 19 99.

000006

Stall
(Employee's Signature)

Employee of the Department of Health and Human services designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.

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The doctor told me [redacted] was taking the equivalent of 32 cups of coffee per day in caffeine, one ingredient of Hydroxycut. [redacted] was told to prepare for severe headaches due to caffeine withdrawal. Later, [redacted] was nauseated in route back to his/our home.

I called news channel 10 and channel 13, and on Friday January 22nd they interviewed [redacted]. The primary reason I called the news channels was to have others become aware of the potential harm the product Hydroxycut can cause. I wanted to let others understand the possible risk associated with "herbal" products because they are NOT properly labeled with associated risks or side effects.

[Large empty space with vertical lines, possibly for additional notes or a signature area.]

AFFIDANT'S SIGNATURE AND TITLE

AFFIDANT'S NAME AND ADDRESS (include ZIP Code)

Subscribed and sworn to before me at [redacted] (City and State)

this 11 day of March, 19 99.

[Signature]
(Employee's Signature)

000007

Employee of the Department of Health and Human Services designated under Act of January 31, 1925, Reorganization Plan IV effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.