

<b>AFFIDAVIT</b>		SAMPLE NO. <b>166455</b>
STATE OF <b>Florida</b>	COUNTY OF <b>Orange</b>	
<p>Before me, <u>Paul A. Revere</u>, 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. 96-98, 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 <u>Nicholas I. Herkimer</u> in the county and State aforesaid, who, being duly sworn, deposes and says:</p> <p>I am the Warehouse Manager at ABC Distribution Company, 200 Harding Street, Orlando, FL 32806 and have held this position for 3 months. Previously, I held the position of Traffic Manager here for 10 years. As such, I am familiar with and can identify records associated with the receipt, storage and shipment of goods at my firm.</p> <p>On or about 3/1/01, my firm received a shipment of 500 cases, 24-½ fl. oz. bottles/case of Opti-One brand 0.12% Phenylephrine HCl Ophthalmic Drops from Sawyer Corporation, 51 Summer Street, Andover, MA 01810. This shipment was delivered to my firm by Yellow Freight Company, 1553 Fairlawn Street, St. Louis, MO 63126 and is covered by Sawyer Corporation invoice number 1500 dated 3/1/01 and bill of lading number 2000 dated 3/1/01.</p> <p>On 4/1/01, I identified and provided Investigator Revere copies of the documents described in this statement. On 4/1/01, Investigator Revere collected a sample consisting of 96 - ½ fl. oz. bottles of Opti-One brand 0.12% Phenylephrine HCl Ophthalmic Drops, lot number 020101, from the shipment described above. This sample was provided to the FDA at a cost of \$192.00, which will be billed.</p> <p style="text-align: center;"><i>I read this statement and agree it is true.</i></p>		
AFFIANT'S SIGNATURE AND TITLE <u>Nicholas I. Herkimer</u> , Warehouse Manager		
FIRM'S NAME AND ADDRESS (Include ZIP Code) ABC Distribution Company, 200 Harding Street, Orlando, FL 32806		
Subscribed and sworn to before me at <u>Orlando, FL</u> this <u>1<sup>st</sup></u> day of <u>April, 2001</u> .		
<u>Paul A. Revere</u> (Employee Signature)		
<small>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.</small>		