

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

ARMS#

12871



1 - AFFIDAVITS

**000001**

AFFIDAVIT

SAMPLE NO. 5316/5320

STATE OF

COUNTY OF

Before me, Kenneth M. Okihara, 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 Ms. [redacted] in the county and State aforesaid, who, being duly sworn, deposes and says:

From [redacted] to [redacted]

- to the best of my knowledge the following events occurred. On 4-29-98  
 [redacted] Clubhouse collected from me the following products in bottles  
 which were previously opened & contained varying amounts of the labeled product:
- ① Twin Lab Diet Fuel, 60 capsules, manufactured by Twin Laboratories Inc., Rontokoma, NY 11779, Lot 7A119,
  - ② Powerhouse Sports Memory, 180 tablets, Trace Minerals Research, Pro, UT 84067, 225618347,
  - ③ EAS HMB Dietary Supplement, 360 Capsules, Distributed by Experimental and Applied Science, Inc., Golden, Co 80401, 7A86,
  - ④ Weider Creatine monohydrate Dietary Supplement, Net Wt. 1.1 lb (500gm) packaged and manufactured by Weider Nutrition International Salt Lake City, UT 84104, 801082,
  - ⑤ Joe Weider Chromium Picolinate High Potency 200 mg, 500 tablets, Distributed by Great American Nutrition, Salt Lake City, UT 84104 Exp 12/99 AH 36578.

I also furnished a signed, one page letter, detailing the events as I remembered them. The products were found in the car of [redacted] mother & represented the total remaining available products known to me.

AFFIANT'S SIGNATURE [redacted]

FIRM'S NAME AND ADDRESS (Include ZIP Code) [redacted] 000002

Subscribed and sworn to before me at [redacted] (City and State) this 29 day of April, 1998. [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.

S316/5320  
4-29-98  
KAL

April 29, 1998

My name is [REDACTED] I am a first cousin of [REDACTED]  
To the best of my knowledge and recollection, this is what happened vis-a-vis  
this case.

When in [REDACTED] [REDACTED] to be with my family during the dying and death of  
my cousin [REDACTED] I was assisting my Aunt [REDACTED], [REDACTED] mother, with unloading the car.  
There was a bag of supplements in the back seat, and I asked my aunt whether or not  
I should bring the bag in. She said no, they were just going to pitch them out, they  
were supplements they found in [REDACTED] house. I looked at them and said I knew of a  
body builder in [REDACTED] who could use the products and I would give them to him. My  
aunt said fine.

Later, when taking them in to [REDACTED] house, where I was staying, I looked at them  
individually, and when I found the bottle titled "Diet Fuel" I said out loud,  
"[REDACTED] should never have been on this." My cousin [REDACTED] an MD who works at the  
[REDACTED] said "What's that?" I said, "it's guarana and ma huang."  
She said, "What's that?" I said, "It's natural speed. Some people think it's OK  
because it's natural. But it's still speed."

I know that [REDACTED] had been a poor quality food eater during his lifetime--he wasn't  
much of a vegetable eater, and vegetable/fruit eating is directly related in men to  
incidence of stroke (see JAMA article on same). I knew that his general condition  
and his everyday diet would not easily support products that hyped his system.  
Based on this I resolved to research it further with the healers I work with back in  
[REDACTED] to see just how much of this bodybuilding program might have contributed to  
stroke given [REDACTED] inattention to the importance of a balanced diet. I didn't discuss  
this with anyone because his death was extremely upsetting to all of us, and I saw no  
reason to add to the stress by bringing up diet. I have a 30-year history of focus  
on diet, and my views on diet have not been well received by the [REDACTED] family,  
so I kept quiet.

I brought the supplements back with me to [REDACTED] discussed them with a number of  
people knowledgeable in the field, and we all saw the same thing--that [REDACTED] a  
middle aged man with a poor quality diet, put himself at risk by adding all this  
stuff into his system, which is a shock to the system by itself, and then adding  
to it speed/ephedrine products, in addition to his morning coffee; it was indeed a  
set-up for stroke.

My cousin [REDACTED] called from [REDACTED] shortly after I returned and asked me what those  
products were again, and how to spell ma huang and guarana. She researched them  
herself, then called the FDA for the statistics on them. We discussed telling the  
folks about this, and [REDACTED] decided that with FDA involvement, it was the correct thing  
to do, and the essential thing to do because the FDA would need access to [REDACTED]  
blood, which was available still because so much of it had been drawn as he was  
an organ donor. [REDACTED] explained to me that I would need to pass the products I  
brought back on to an FDA agent, and that the folks would have to give their approval  
to get the blood.

There were other supplements found at the house, and I personally had pitched two  
other ma huang/guarana-containing bottles as I would not need them for the body builder  
and I only needed one as a sample to research with.

Today I have given five products to the FDA representative Ken Okihara. He picked them up  
at my place of business and I was furnished with a receipt.

[REDACTED]  
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