

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

ARMS#

12851



1 - AFFIDAVITS

**000001**

AFFIDAVIT

SAMPLE NO.

STATE OF

COUNTY OF

Before me, Margaret A Smith, 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] & my home address is [redacted] [redacted] is my best friend. We do just about everything together - Usually, we are together about every day

[redacted] I worked out six days per week at [redacted] We rotated our workout

- Monday - Chest, shoulders & triceps
- Tuesday - Back & Biceps
- Wednesday - Legs
- Thursday - repeat Mondays workout
- Friday - repeat Tuesdays workout
- Saturday - repeat Wednesday workout
- Sunday - Freeday, no workout

On 3-31-98 [redacted] arrived at the gym appx. 30 min. before me. I got to gym at appx. 5:00 pm. [redacted] was working a set his back when I got there.

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (Include ZIP Code)

Exhibit 7  
KAN-6540  
4-23-98 MAS  
Page 1 of 3 Pages

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

this 10th day of May, 1998.

000002

Margaret A Smith  
(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.

AFFIDAVIT

SAMPLE NO.

STA

COUNTY

Before me, Margaret A Smith, 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:

We finished <sup>our</sup> back then we started on our biceps. We did do 3 set for biceps. We started working out with the dumbbell. ~~Some~~ [redacted] & I did one set each [redacted] went to get a drink I did one more set ~~from~~ I went to get a drink of water I thought [redacted] had tripped & hit his head. I heard him gasp for breath. I ran to [redacted] truck to get his inhaler. when I got back, they were giving him CPR. [redacted] had not ~~com~~ complained of feeling Crappy, tired, or of an asthma attack. He was laughing & talking before I went for a drink Investigator Smithers showed me a list of supplement which had been found in [redacted] possession. I remember him using these

EXHIBIT 7  
KAN-6540  
4-23-98 MAS  
Page 2 of 3 Pages

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (Include ZIP Code)

Subscribed and sworn to before me at

this 10th day of May, 19 98 (City and State)

Margaret A Smith  
(Employee's Signature)

000003

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.

AFFIDAVIT

SAMPLE NO.

STATE OF [REDACTED]

COUNTY OF [REDACTED]

Before me, Margaret A. Smithus, 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

1. Creatine - [REDACTED] did use the creatine I not ~~is sure~~ how much
  2. Cybergemics Quick Trim - I think [REDACTED] purchased the Cybergemics in 1996; but I don't think he was he has used them recently
  3. Cybergemics Quick Trip Quick Time 2 - He was not using this
  4. Cybergemics Quick Trim ~~Complex~~ 3 - He was not using this
  5. GNC Times Release Mega man - I think this one is new I have not seen [REDACTED] use it
  6. Joe Weider Dynamic Fat Burners - I think this old product
  7. Chocolate whey Isolated Glutamine Peptide Protein - He used this daily
- [REDACTED] did use the Ripped Force drink - the drink is sold at [REDACTED]

Exhibit 7  
KAN-6540  
4-23-98 MAS  
Page 3 of 3 Pages

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (Include ZIP Code)

Subscribed and sworn to before me at

this 10th day of May, 19 98.

Margaret A. Smithus  
(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.

AFFIDAVIT

SAMPLE NO.

STA

COUN

Before me, Margaret A. Smith, 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 \_\_\_\_\_ in the county and State aforesaid, who, being duly sworn, deposes and says:

I am \_\_\_\_\_, an employee, \_\_\_\_\_

I have known \_\_\_\_\_ for approximately 1 1/2 years, as a member and socially.

\_\_\_\_\_ always drank a Ripped Force prior to a work out. When he finished his workout, he would have a whey protein shake.

On 3-31-98, the day of his collapse, \_\_\_\_\_ had no complaints, smiled, and did not look tired. I am not aware of any medications he might have been using. I remember \_\_\_\_\_ running upstairs for \_\_\_\_\_ inhaler.

While \_\_\_\_\_ was down, the people around him were trying to give him his inhaler. He was on his back with his eyes shut, gasping for breath. He looked like he was breathing. A dentist, who was a member, was checking for a pulse. I came upstairs to make sure someone had called 911. A nurse had taken over. The paramedics intubated \_\_\_\_\_ shocked him, and gave him an IV.

EXHIBIT 6  
KAN-6540  
4-23-98 MAS  
Page 1 of 1 Pages

AFFIANT'S SIGNATURE

FIRM'S NAME AND ADDRESS (Include ZIP Code)

Subscribed and sworn to before me at \_\_\_\_\_

this 15th day of May, 1998 (City and State)

000005

Employee of the Department of Health and Human services designated under Act of January 31, 1925, Reorganization Plan No. IV, Secs. 12-15, effective June 30, 1940; Reorganization Plan No. 1 of 1953, effective April 11, 1953; and P.L. 96-88 effective May 4, 1980.

AFFIDAVIT

SAMPLE NO.

STATE OF

COUNTY OF

Before me, Rick RUTHERFORD, 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 \_\_\_\_\_ in the county and State aforesaid, who, being duly sworn, deposes and says:

I am \_\_\_\_\_ M.D., \_\_\_\_\_ is a patient of mine.

I treated Mr. \_\_\_\_\_ prior to his collapse on 3-31-98 was for a knee sprain in 1996. Asthma refill prescriptions and examinations were provided in 1995. In 1994 I saw Mr. \_\_\_\_\_ for a foot contusion and a head cold. Medications which have been prescribed include Ultram, Ventolin, Theo-Dur, Ru-Tuss, Intal, Amoxicillin, Predisone, and Asthmacort. I have not prescribed any pain killer type medication for Mr. \_\_\_\_\_.

<sup>Probable</sup> Mr. \_\_\_\_\_ coded due to an arrhythmic change. Asthma was not a factor in his collapse. I agree with the diagnosis of the cardiologist, \_\_\_\_\_ M.D., for Mr. \_\_\_\_\_ collapse and cardiac arrest.

Exhibit 8  
KAN-6540  
4-23-98 MAS  
Page 1 of 1 Pages

AFFIANT'S SIGNATURE AND TITLE

FIRM'S

Subscribed and sworn to before me at \_\_\_\_\_  
this 19th day of May, 19 98. (City and State)

Rick Rutherford  
(Employee's Signature)

000006

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.

AFFIDAVIT

SAMPLE NO.

STATE OF

COUNTY OF

Before me, Rick Kuttergard, 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], M.D., ACC, PA. My practice is limited to adult cardiology, and my office is located at [redacted]

I treated [redacted] at [redacted] Mr. [redacted] suffered a cardiac arrest during a work out at a gym. The cardiac arrest was most likely a result of the Ephedrine and Caffeine ingredients of the Ripped Force drink combination with the Theo-Dur and Ventolin medications caused premature ventricular contractions, sustained ventricular tachycardia, and ventricular fibrillation as a side effect resulting in cardiac arrest of [redacted]. The friend who was with Mr. [redacted] when he collapsed stated [redacted] was drinking three of the Ripped Force drinks per day. Mr. [redacted] lab tests were void for drugs, no steroids were found, and no toxicity was found. The opiates which were found in the urine test were a result of morphine sulfate administered by the pulmonologist to Mr. [redacted] during treatment the day of his collapse.

*[Handwritten flourish]*

Exhibit 9  
KAN-6540  
4-23-98 MAS  
Page 1 of 1 Pages

AFF

M.D., F.A.C.C.

FIRM'S NAME AND ADDRESS (Include ZIP Code)

Subscribed and sworn to before me at [redacted] this 20<sup>th</sup> day of May, 1998. (City and State)

*[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.

AFFIDAVIT

SAMPLE NO.

STATE OF

COUNTY

Before me, Rick Rutherford, 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 Dr. [redacted]

I treated [redacted] Mr. [redacted] collapsed during a workout at a gym. My findings found Mr. [redacted] had suffered a permanent neurological injury cardiac arrest due to the usage of therapeutic medication with the Ripped Force drink with ephedrine and caffiene. Mr. [redacted] suffered sudden death and cardiac arrest. Sudden death from cardiac arrest is not expected with asthma attacks. There were no toxins or street drugs found in Mr. [redacted] lab analysis. The opiates found were morphine given the day of Mr. [redacted] cardiac arrest. Mr. [redacted] did not collapse from asthma. There were no indications of asthmatic distress from Mr. [redacted]

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& REVIEW/OSN HFS-452

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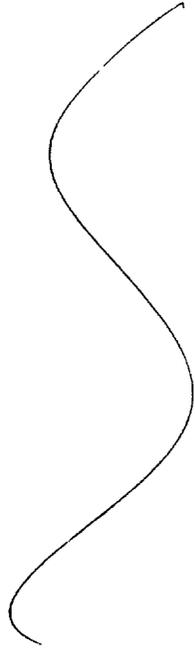


EXHIBIT  
KAN-6540  
4-23-98 MAS  
Page 1 of 1 Pages

AFFIANT'S SIGNATURE AND TITLE

FIR

Subscribed and sworn to before me at [redacted] this 26<sup>th</sup> day of May, 19 98. (City and State)

Rick Rutherford  
(Employee's Signature)

000008

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.

AFFIDAVIT

SAMPLE NO.

STATE O

CO

5/20/98

*Margaret A Smithers*

Before me, \_\_\_\_\_, 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 \_\_\_\_\_ in the county and State aforesaid, who, being duly sworn, deposes and says:

I am \_\_\_\_\_ mother of \_\_\_\_\_. My residence is \_\_\_\_\_. My son, \_\_\_\_\_ resides with us.

\_\_\_\_\_ collapse during his workout at the gym. He is a patient at \_\_\_\_\_

\_\_\_\_\_ treatment for asthma began before he was three years old. His present treatment includes Theo-Dur tablets twice a day. He used a Ventolin inhaler as needed and before and after exercise. <sup>There were</sup> ~~\_\_\_\_\_ was supposed~~ <sup>to use</sup> ~~\_\_\_\_\_ did not have to use the inhaler.~~ \_\_\_\_\_ had not been taking any pain medications on a regular basis. He had taken Tylenol a couple of days before his collapse for a headache and had used his inhaler to relieve asthma wheezing. Prescription medication \_\_\_\_\_ is on included Theo-Dur 300 mg twice daily, Ventolin (Albuteral U.S.P. manufactured by Glaxo-Wellcome), and Atrohist Plus SR.

\_\_\_\_\_ had gotten off work at 4:30 p.m. and gone to the gym to workout. \_\_\_\_\_ a friend of \_\_\_\_\_ who was working out with him, told me \_\_\_\_\_ had been lifting weights and had went down to pick up more weights and someone saw him stumble. Ambulance personnel performed CPR and shocked \_\_\_\_\_ with paddles.

I provided Investigator Smithers with the Creatine product which was found in \_\_\_\_\_ gym bag. \_\_\_\_\_ drank a Whey protein drink as shakes a couple of times a day. Vitamins and food supplements which \_\_\_\_\_ had used were provided to Investigator Smithers:

1. Creatine
2. Cybergemics Quick Trim 1
3. Cybergemics Quick Trip Quick Time 2
4. Cybergemics Quick Trim Complex 3
5. GNC Times Release Mega Man
6. Joe Weider Dynamic Fat Burners
7. Chocolate Whey Isolated Glutamine Peptide Protein

AFFIANT'S SIGNATURE AND TITLE

FIRM'S NAME AND ADDRESS (Include ZIP Code)

Subscribed and sworn to before me at \_\_\_\_\_

this 26th day of May, 19 98 (City and State)

*Margaret A Smithers*  
(Employee's Signature)

000009

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.

Exhibit 4  
KAN-6540  
4-23-98 MAS  
Page 1 of 1 Pages