

# NEWS

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United States Department of Justice  
U.S. Attorney, District of New Jersey  
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Trenton, New Jersey 08608

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***Christopher J. Christie, U.S. Attorney***

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***More Information?*** Contact the Assistant U.S. Attorney or other contact listed below to see if more information is available.

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FOR IMMEDIATE RELEASE  
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Doctor Convicted of Substituting Unapproved  
Drug for Botox in the Treatment of Patients

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(More)

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TRENTON – A doctor with offices in Stafford Township and Montclair was convicted by a federal jury today for substituting a cheaper, unapproved drug for the FDA-approved drug BOTOX™, U.S. Attorney Christopher J. Christie announced.

After four hours of deliberations, which began March 19, the jury convicted Dr. Albert Poet, 57, of Stafford Township, on all 14 counts of an Indictment returned on Aug. 24, 2006. Poet was convicted on 13 counts of mail fraud and one count of misbranding a drug while held for sale. The case was tried by Assistant U.S. Attorneys Eugenia A.P. Cowles and James P. Lynch.

U.S. District Judge Anne E. Thompson continued Poet's \$100,000 bond pending sentencing, which is scheduled for June 26 at 10 a.m.

Poet was arrested on Aug 25, 2006, by Special Agents of the U.S. Food and Drug Administration, Office of Criminal Investigations.

According to the Indictment, Poet, a licensed physician, owned and operated Shore Laser Center in Stafford Township and operated an office at PEAU, a spa/salon in Montclair. Poet advertised "Botox" treatments in local newspapers and maintained a website to promote his services.

During the trial, the jury heard the testimony of 11 government witnesses and viewed evidence regarding Poet's scheme to profit from the use of a less expensive and unapproved form of Botulinum Toxin Type A by selling it to his patients as, and at the price of, the more expensive FDA-approved BOTOX™.

In convicting Poet, the jury found that he purchased an unapproved form of Botulinum Toxin Type A (the TRI product) from a company named Toxin Research International (TRI), located in Arizona. The company marketed and sold the TRI product from mid-2003 until December 2004. The jury heard testimony and viewed evidence that TRI marketed and sold its product in injectable vials which were labeled "For Research Purposes Only/Not for Human Use."

The jury found that from December 2003 until late 2004, Poet injected patients with the TRI product without informing them that they were not receiving BOTOX™ or that it was not FDA approved.

"This unscrupulous, potentially dangerous conduct put greed before accepted medical practices," said Christie. "It was deceptive and risked the health and well-being of patients who placed their trust in the abilities and integrity of a licensed physician."

"As this verdict demonstrates, someone who abuses a position of trust for financial gain

and subjects patients to unknown safety risks from unapproved medications will be held accountable,” said FDA Special Agent in Charge Kim A. Rice. “The FDA will aggressively pursue those who willfully circumvent laws that are in place to protect the consuming public.”

Each of the 13 counts of mail fraud carries a maximum penalty of 20 years in prison and a \$250,000 fine. The one count of misbranding a drug while held for sale carries a maximum penalty of three years in prison and a fine of \$250,000.

In determining an actual sentence, U.S. District Judge Anne E. Thompson will consult the advisory U.S. Sentencing Guidelines, which provide appropriate sentencing ranges that take into account the severity and characteristics of the offense, the defendant's criminal history, if any, and other factors. The judge, however, is not bound by those guidelines in determining a sentence. Parole has been abolished in the federal system. Defendants who are given custodial terms must serve nearly all that time.

Christie credited Special Agents of the U.S. Food and Drug Administration, Office of Criminal Investigations, under the direction of Special Agent in Charge Kim A. Rice, for their investigation of the case.

The government is represented by Assistant U.S. Attorneys Eugenia A.P. Cowles and James P. Lynch of the Criminal Division in Trenton.

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Defense Attorney: William Hughes, Esq. Atlantic City  
Jerome Ballarotto, Esq. Trenton