

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA) No.
)
 v.) Violations: Title 18, United States
) Code, Sections 545 and 2320; and
MICHAEL MARKIEWICZ,) Title 21, United States Code,
 aka Michael Markowitz) Sections 331(a), 331(i)(3) and
) 333(a)(2)

COUNT ONE

The SPECIAL MARCH 2013 GRAND JURY alleges:

1. At times material to this indictment:
 - a. Defendant MICHAEL MARKIEWICZ, also known as Michael Markowitz, was a pharmacist licensed in the State of Illinois.
 - b. Belmont Pharmacy, Inc. was a pharmacy located at 6148 W. Belmont Avenue, Suite 1A, in Chicago, Illinois. Defendant was the president and owner of Belmont Pharmacy.
 - c. Viagra was a prescription drug approved by the FDA for distribution within the United States. Viagra was used in the treatment of erectile dysfunction.
 - d. The name “Viagra” and the blue, diamond-shaped pill were trademarks owned by Pfizer, Inc., and were registered on the principal register in the United States Patent and Trademark Office.

2. On or about August 22, 2012, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, did intentionally traffic and attempt to traffic in a counterfeit drug, namely counterfeit Viagra, in that the defendant obtained control of and possessed approximately 96 counterfeit Viagra tablets at Belmont Pharmacy with the intent to transfer and otherwise dispose of them for purposes of commercial advantage and private financial gain;

In violation of Title 18, United States Code, Section 2320(a)(4).

COUNT TWO

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.
2. On or about December 10, 2010, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, did intentionally traffic and attempt to traffic in goods, namely counterfeit Viagra, and knowingly used a counterfeit mark on and in connection with such goods, in that the defendant transferred and otherwise disposed of, to another, for purposes of commercial advantage and private financial gain, and obtained control of, and possessed, with intent to so transfer and otherwise dispose of, approximately 10 counterfeit Viagra tablets, at Belmont Pharmacy;

In violation of Title 18, United States Code, Section 2320(a)(1).

COUNT THREE

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about March 18, 2011, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, did intentionally traffic and attempt to traffic in goods, namely counterfeit Viagra, and knowingly used a counterfeit mark on and in connection with such goods, in that the defendant transferred and otherwise disposed of, to another, for purposes of commercial advantage and private financial gain, and obtained control of, and possessed, with intent to so transfer and otherwise dispose of, approximately five counterfeit Viagra tablets, at Belmont Pharmacy;

In violation of Title 18, United States Code, Section 2320(a)(1).

COUNT FOUR

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about December 20, 2011, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, did intentionally traffic and attempt to traffic in goods, namely counterfeit Viagra, and knowingly used a counterfeit mark on and in connection with such goods, in that the defendant transferred and otherwise disposed of, to another, for purposes of commercial advantage and private financial gain, and obtained control of, and possessed, with intent to so transfer and otherwise dispose of, approximately five counterfeit Viagra tablets, at Belmont Pharmacy;

In violation of Title 18, United States Code, Section 2320(a)(1).

COUNT FIVE

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about August 22, 2012, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, with the intent to defraud and mislead, held for sale and dispensing a counterfeit drug, namely, 96 tablets purported to be 100 mg tablets of Viagra;

In violation of Title 21, United States Code, Sections 331(i)(3) and 333(a)(2).

COUNT SIX

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about December 10, 2010, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, with the intent to defraud and mislead, sold and dispensed and held for sale and dispensing a counterfeit drug, namely, 10 tablets that falsely purported to be 100 mg tablets of Viagra;

In violation of Title 21, United States Code, Sections 331(i)(3) and 333(a)(2).

COUNT SEVEN

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.
2. On or about March 18, 2011, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, with the intent to defraud and mislead, sold and dispensed and held for sale and dispensing a counterfeit drug, namely, five tablets that falsely purported to be 100 mg tablets of Viagra;

In violation of Title 21, United States Code, Sections 331(i)(3) and 333(a)(2).

COUNT EIGHT

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. On or about December 20, 2011, at Chicago, in the Northern District of Illinois, Eastern Division,

MICHAEL MARKIEWICZ,

defendant herein, with the intent to defraud and mislead, sold and dispensed and held for sale and dispensing a counterfeit drug, namely, five tablets that falsely purported to be 100 mg tablets of Viagra;

In violation of Title 21, United States Code, Sections 331(i)(3) and 333(a)(2).

COUNT NINE

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.
2. Cialis was a prescription drug approved by the FDA for distribution within the United States. Cialis was used in the treatment of erectile dysfunction.
3. In or about April 2011, via the Internet, defendant ordered counterfeit Viagra and Cialis that was shipped from China and directed that they be delivered to defendant's home. The customs declaration on the outer packaging containing the counterfeit Viagra and Cialis stated that the package contained a "gift pen," and the drugs were hidden in unlabeled clear plastic baggies underneath the pen.
4. In or about April 2011, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL MARKIEWICZ,

defendant herein, with the intent to defraud and mislead, caused the introduction and delivery for introduction into interstate commerce of a drug that was misbranded within the meaning of Title 21, United States Code, Sections 352(e)(1)(A) and 352(f)(1) and (2), namely, approximately 90 tablets that falsely purported to be 100 mg tablets of Viagra, contained in EMS Airmail Parcel EE600523896CN;

In violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

COUNT TEN

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 through 3 of Count Nine of this indictment are incorporated here.

2. In or about April 2011, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL MARKIEWICZ,

defendant herein, with the intent to defraud and mislead, caused the introduction and delivery for introduction into interstate commerce of a drug that was misbranded within the meaning of Title 21, United States Code, Sections 352(e)(1)(A) and 352(f)(1) and (2), namely, approximately 15 tablets that falsely purported to be 20 mg tablets of Cialis, contained in EMS Airmail Parcel EE600523896CN;

In violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

COUNT ELEVEN

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.
2. In or about May 2012, via the Internet, defendant ordered counterfeit Viagra that was shipped from China and directed that it be delivered to defendant's home. The customs declaration on the outer packaging containing the counterfeit Viagra stated that the package contained a "gift pen," and the drugs were hidden in unlabeled clear plastic baggies underneath the pen.
3. In or about May 2012, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL MARKIEWICZ, aka Michael Markowitz,

defendant herein, with the intent to defraud and mislead, caused the introduction and delivery for introduction into interstate commerce of a drug that was misbranded within the meaning of Title 21, United States Code, Sections 352(e)(1)(A) and 352(f)(1) and (2), namely, approximately 105 tablets that falsely purported to be 100 mg tablets of Viagra contained in EMS Airmail Parcel EE675197798CN;

In violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

COUNT TWELVE

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.
2. In May 2012, via the Internet, defendant ordered counterfeit Viagra that was shipped from China and directed that the drugs be delivered to defendant's home. The customs declaration on the outer packaging stated that the package contained a "gift pen," and the drugs were hidden in unlabeled clear plastic baggies underneath the pen.
3. In or about May 2012, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL MARKIEWICZ, aka Michael Markowitz,

defendant herein, with the intent to defraud and mislead, caused the introduction and delivery for introduction into interstate commerce of a drug that was misbranded within the meaning of Title 21, United States Code, Sections 352(e)(1)(A) and 352(f)(1) and (2), namely, approximately 105 tablets that falsely purported to be 100 mg tablets of Viagra contained in EMS Airmail Parcel EE582165872CN;

In violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

COUNT THIRTEEN

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One and paragraph 2 of Count Nine of this indictment are incorporated here.

2. In or about April 2011, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL MARKIEWICZ,

defendant herein, fraudulently and knowingly imported and brought into the United States merchandise contrary to law, namely, counterfeit and misbranded pills purporting to be Viagra and Cialis, contained in EMS Airmail Parcel EE600523896CN, and received such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to law;

In violation of Title 18, United States Code, Section 545.

COUNT FOURTEEN

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. In or about May 2012, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL MARKIEWICZ, aka Michael Markowitz,

defendant herein, fraudulently and knowingly imported and brought into the United States merchandise contrary to law, namely, counterfeit and misbranded pills purporting to be Viagra, contained in EMS Airmail Parcel EE675197798CN, and received such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to law;

In violation of Title 18, United States Code, Section 545.

COUNT FIFTEEN

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in paragraph 1 of Count One of this indictment are incorporated here.

2. In or about May 2012, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

MICHAEL MARKIEWICZ, aka Michael Markowitz,

defendant herein, fraudulently and knowingly imported and brought into the United States merchandise contrary to law, namely, counterfeit and misbranded pills purporting to be Viagra, contained in EMS Airmail Parcel EE582165872CN, and received such merchandise after importation, knowing the same to have been imported and brought into the United States contrary to law;

In violation of Title 18, United States Code, Section 545.

FORFEITURE ALLEGATION ONE

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in Counts One through Four of this indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 2320(c).

2. As a result of the violations of Title 18, United States Code, Section 2320, as alleged in the foregoing indictment,

MICHAEL MARKIEWICZ,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2320(c) and 2323(b), any and all right, title, and interest he may have in any property used, and intended to be used, in any manner or part to commit and facilitate the commission of the offense, and any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of the offense.

3. This property includes, but is not limited to, the real property located at:

- a. 6148 West Belmont Avenue, Chicago, Illinois; and
- b. 8228 West Strong Street, Norridge, Illinois.

4. If any of the forfeitable property described above, as a result of any act or omission by the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;

- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be divided without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 2320(c) and 2323(b)(2)(A).

FORFEITURE ALLEGATION TWO

The SPECIAL MARCH 2013 GRAND JURY further charges:

1. The allegations in Counts 13 through 15 of this indictment are incorporated here for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Sections 545 and 982(a)(2)(B).

2. As a result of the violations of Title 18, United States Code, Section 545, as alleged in the foregoing indictment,

MICHAEL MARKIEWICZ,

defendant herein, shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 545 and 982(a)(2)(B), any and all right, title, and interest he may have in any merchandise introduced into the United States in violation of Title 18, United States Code, Section 545, and the value thereof, and property constituting and derived from proceeds defendant obtained, directly and indirectly, as the result of the violation.

3. If any of the forfeitable property described above, as a result of any act or omission by the defendant:

- a. Cannot be located upon the exercise of due diligence;
- b. Has been transferred or sold to, or deposited with, a third party;
- c. Has been placed beyond the jurisdiction of the Court;
- d. Has been substantially diminished in value; or
- e. Has been commingled with other property which cannot be divided

without difficulty;

the United States of America shall be entitled to forfeiture of substitute property under the provisions of Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Section 982(b)(1).

A TRUE BILL:

FOREPERSON

UNITED STATES ATTORNEY