

**AFFIDAVIT**

I, Jason Giannelli, having been duly sworn, state as follows:

**AFFIANT BACKGROUND**

1. I am a Special Agent with the Office of Criminal Investigations (OCI), United States Food and Drug Administration (FDA), Rhode Island task force. I have been employed as a Special Agent with FDA/OCI since August 2007.
2. As a Special Agent with FDA/OCI, I have participated in numerous investigations concerning criminal violations of the federal Food, Drug and Cosmetic Act, 21 U.S.C. §§ 301 et seq. (the FDCA), and other federal criminal laws.
3. I am a law enforcement officer of the United States, in that I am empowered under the authority of the FDCA to conduct investigations and to make arrests. In my capacity as an FDA/OCI Special Agent, I have received extensive training in, among other things, investigations of counterfeit drugs, drug misbranding, drug diversion, drug adulteration, and drug tampering.
4. Prior to my employment with FDA/OCI, I was a Special Agent with the United States Drug Enforcement Administration (DEA) from October 1998 to August 2007. Prior to my employment as a DEA Special Agent, I was a Patrol Agent with the United States Border Patrol from May 1996 to October 1998.
5. I have executed and assisted with numerous search and seizure warrants and warrants of arrest and I am familiar with the probable cause standard for the issuance of a federal warrant of arrest.
6. The statements contained in this affidavit are based in part on information I obtained from special agents with the FDA/OCI, other law enforcement officers, records obtained by grand jury subpoena and search warrants, and my experience and background as a

law enforcement officer. Except where indicated, all statements referred to below are set forth in substance and in part, rather than verbatim.

7. I make this affidavit, pursuant to Federal Rules of Criminal Procedure, in support of an application for the issuance of warrant of arrest for JITENDER BEHL (DOB: [REDACTED]).

8. JITENDER BEHL (“BEHL”) is a target of a federal investigation into the unlawful importation of foreign manufactured and FDA unapproved prescription drugs (sildenafil). The sildenafil was stored, repackaged and fraudulently labeled at [REDACTED], Warwick, Rhode Island into a product branded as the natural dietary supplement, “JMY.” JMY was then sold to customers in the United States including Mahr Ahme d/b/a Noor Inc. The investigation involves violations of federal law (hereinafter referred to as the “Subject Offenses”), including but not limited to violations of 21 U.S.C. §§ 331(a), 331(c), 331(d) and 331(k) (FDCA).

9. The FDA is the federal agency responsible for protecting the health and safety of the American public by ensuring, among other things, that drugs are safe and effective for their intended uses and that they bear labeling that contains true and accurate information. The FDA’s responsibilities include regulating the manufacture and distribution of drugs, including prescription drugs shipped or received in interstate commerce, as well as the labeling of such drugs. The FDA carries out its responsibilities by enforcing the FDCA, 21 U.S.C. §§ 301-399f, and other pertinent laws and regulations.

10. The FDCA defines “interstate commerce” as “(1) commerce between any State or Territory and any place outside thereof, and (2) commerce within the District of Columbia or within any other territory not organized with a legislative body.” 21 U.S.C. § 321(b).

11. The FDCA defines “label” as “a display of written, printed, or graphic matter upon the immediate container of any article.” 21 U.S.C. § 321(k). The term “labeling,” in turn, is defined as “all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article.” 21 U.S.C. § 321(m).

12. The FDCA defines a “drug” to include “articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man,” “articles (other than food)

intended to affect the structure or any function of the body of man,” and “articles intended for use as a component of” the aforementioned articles. 21 U.S.C. § 321(g)(1)(B), (C) and (D).

13. “Prescription drugs” are drugs that, because of their toxicity and other potential for harmful effects, or the method of use, are not safe for use except under the supervision of a practitioner licensed by law to administer such drugs. 21 U.S.C. § 353(b)(1)(A). A drug also is a prescription drug if the FDA requires it to be administered under the supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. § 353(b)(1)(B).

14. Under the FDCA, a “new drug” includes any drug that “is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling thereof.” 21 U.S.C. § 321(p)(1). To be lawfully introduced into interstate commerce for commercial distribution, new drugs require an approved marketing application, including new drug applications (NDAs) or abbreviated new drug applications (ANDAs). 21 U.S.C. § 355.

15. The approval for the marketing of a “new drug” covers only the drug described in the NDA or ANDA. A new drug which, or the labeling of which, is different, in any manner whatsoever, from what was described in the NDA or ANDA is not considered the same drug and cannot lawfully be marketed for commercial distribution without its own separately approved NDA or ANDA. In other words, an approved NDA authorizes a sponsor to manufacture and distribute only the exact drug described in the application. Manufacturing must occur only at facilities authorized under the approved NDA or ANDA; the drug may bear only the FDA-approved package insert, and the drug may be distributed by the manufacturer only for uses prescribed, recommended, or suggested in the FDA-approved labeling.

16. Under the FDCA, a drug is deemed to be “misbranded” in a variety of ways, including if “its labeling is false or misleading in any particular.” 21 U.S.C. § 352(a).

17. The FDCA prohibits: (i) introducing or delivering for introduction into interstate commerce any drug that is misbranded, 21 U.S.C. § 331(a); (ii) receipt in interstate commerce of a drug that is misbranded, and the delivery or proffered delivery thereof for pay or otherwise, 21 U.S.C. § 331(c); (iii) introduction or delivery for introduction into interstate

commerce of unapproved new drugs, 21 U.S.C. § 331(d); and (iv) doing any act with respect to a drug after shipment in interstate commerce and while held for sale, that results in the drug being misbranded, 21 U.S.C. § 331(k).

18. Under the FDCA, the responsibility for ensuring that drugs are safe, effective, and properly labeled is placed on the manufacturer and those who distribute them. As a result, any person who commits any of the aforementioned prohibited acts commits a misdemeanor. 21 U.S.C. § 333(a)(1). Misdemeanor offenses under the FDCA are strict liability offenses and do not require proof of knowledge or intent. Any person who commits any of the aforementioned prohibited acts with the intent to defraud or mislead commits a felony. 21 U.S.C. §333(a)(2).

19. Viagra is a branded prescription drug product containing the active pharmaceutical ingredient sildenafil citrate (sildenafil). Viagra is FDA-approved for the treatment of erectile dysfunction.

20. Other products containing sildenafil that are intended to treat a disease in man and/or affect the structure or function of the body of man are “drugs” and, unless the subject of an FDA-approved NDA or ANDA, constitute unapproved “new drugs.”

21. Due to their toxicity and other potential for harmful effects, other FDA approved drugs containing sildenafil are prescription drugs within the meaning of 21 U.S.C. § 353(b)(1), and not safe for use except under the supervision of a practitioner licensed by law to administer them. In addition to various side effects, sildenafil can be particularly harmful to persons taking heart medications containing nitrates because the active ingredients can interact with the nitrates and lower blood pressure to dangerous levels.

22. In September 2022, I learned from Special Agent Anthony Risk, U.S. Homeland Security Investigations (HSI) that U.S. Customs and Border Protection (CBP) intercepted three of four international parcels bearing United Parcel Service tracking numbers 1ZW7526A0418625316, 1ZW7526A0423757423, and 1ZW7526A0415895423. All four parcels were shipped from Ahmedabad, Gujarat, India and addressed to Jitender Behl at [REDACTED]  
[REDACTED] The fourth parcel bearing 1ZW7526A0418000651 was presumed to be delivered.

23. The three intercepted parcels contained approximately 21,700 empty 3 ½" x 4" Mylar bags. The Mylar bags were open on the bottom and sealed and scored on the top, which based on my training and experience suggest the bags could be filled with a pill or capsule and then heat sealed closed. A potential customer/user could then subsequently access the contents by tearing the Mylar bag open along the top from the scored edges. One side of the Mylar bags included labeling that read, "JMY," "Just Me & You," "MALE ENHANCEMENT," and "72 Hours 100% Natural." On the other side, the Mylar bags bore labeling stating "MAXIMUM STRENGTH," "TIME," "ENDURANCE," and "STAMINA." The Mylar bags also contained a purported list of ingredients below the heading "SUPPLEMENT FACTS" including "L-Arginine," "White Willow Bark," "Macca extract (root)" and "Korean GINSENG." Notably, the list of ingredients did not contain the active pharmaceutical ingredient sildenafil. The Mylar bags also listed the website, "JMY.Com."

24. According to CBP, Behl previously had a shipment of sildenafil seized at John F. Kennedy Airport in May 2022. I have reviewed the CBP incident report regarding this seizure. On May 18, 2022, CBP seized a parcel bearing tracking number EG389101213IN shipped from the country of India. The consignee was listed as Jessie Behl at [REDACTED]. The parcel was found to contain an estimated six hundred and fifty-one grams of sildenafil "softgel capsules." Further, I know that JITENDER BEHL sometimes goes by the name "Jessie."

25. I know based upon my training and experience that a common crime in the manufacturing, marketing and sale of dietary supplements is the addition or substitution of undeclared active pharmaceutical ingredients or psychoactive chemicals. I have investigated individuals in the past that were manufacturing, marketing and/or selling purported dietary supplements that are proclaimed to be natural and have hence been found to contain undeclared ingredients, such as sildenafil. I believe those individuals intentionally add these undeclared ingredients, because, when ingested, the ingredients would produce a similar effect that the product's marketing had fraudulently suggested occurred by ingestion of all natural ingredients thus increasing the likelihood that individuals who purchase the product will do so again.

26. I reviewed the website, JMY.COM on August 23, 2023. The website's landing page has a digital image of a large stack of boxes, labeled as, "JMY," as well as images of individual JMY Mylar bags identical to the ones previously discussed in paragraph 23 above.

The “Sole Distributor,” is indicated as, “Noor Inc. ■ Rice Street Providence, RI 02907. The website also displayed the declaration, “Attention - NOOR Inc. is currently the distributor for all US districts and regions. In the event you are not receiving the products from NOOR, please verify the authenticity of the products.”

27. I have reviewed records in the FDA’s Online Reporting Analysis Decision Support System (ORADSS) regarding international mail entry seizures related to this investigation. ORADSS revealed that between March 2021 and May 13, 2022, in addition to (or including) the parcels described above in paragraph, seven parcels containing sildenafil were seized by CPB enroute to locations known to be utilized and associated with Behl:

28. On October 26, 2022, an undercover agent went into a Food Mart (also known as Providence Street Shell LLC) located at ■ Providence Street, West Warwick and observed packages of “JMY” brand supplements held for sale. The undercover agent purchased two packages of “JMY” brand supplements for a total of twelve dollars and eighty-two cents. The packages appeared to be identical to the Mylar bags discussed in paragraph 23 as well as the images on the JMY.com website discussed above. Agents sent the packages to the FDA Forensic Chemistry Center for analysis. Each package contained one blue triangle-shaped tablet debossed with the number “100.” The sample was found to contain the active pharmaceutical ingredients sildenafil and ibuprofen. The FDA approved Viagra containing the active pharmaceutical ingredient sildenafil does not contain ibuprofen.

29. In January of 2023, I learned that in March of 2021 Behl had had an active restraining order. The protected subject of the order was D.F., ■, ■ Providence, Rhode Island. On March 31, 2021, a parcel bearing tracking number EM199671435IN was intercepted by CBP and found to contain 2016 suspected sildenafil tablets. On February 22, 2023, agents interviewed D.F., who indicated she was previously a paramour of Behl but had not seen him for approximately one year. D.F. stated that Behl would periodically provide money to D.F. to help support her children and that he also allowed D.F. the use of one of his vehicles. D.F. indicated that on one occasion, Behl had a parcel shipped to her at her residence, ■, Providence, Rhode Island that Behl had described as containing, “Medicine.” Later on the day of her interview, D.F. communicated with me by

text message. D.F. located and forwarded to me an image of a Notice of Seizure from CBP that was addressed to her regarding the parcel bearing tracking number EM199671435IN. The Notice of Seizure indicated the product contained 2,016 sildenafil tablets. According to D.F., she forwarded this image to Behl via text message on or about when she received it.

#### **SEARCH OF** [REDACTED]

30. On September 6, 2023, Law Enforcement executed a search warrant at [REDACTED] (23-SW-216 PAS), BEHLS's residence. Agents located and seized over 129,000 sildenafil pills from an upstairs closet crawl space in the master bedroom. The majority of these pills were in blister packs and labeled as sildenafil that was manufactured in India. Many of the sildenafil pills were maintained in their original parcels shipped from India. For example, a parcel bearing the tracking number ED541809913IN, addressed to N.M., [REDACTED], East Greenwich, RI 02818, contained blister packs labeled as foreign manufactured sildenafil pills. N.M. is BEHL's partner with whom he lived at the time. Also, on a nightstand in plain view was a large clear plastic bag of suspected blue sildenafil pills. In the closet, where the crawl space was located was a large clear plastic bag that contained numerous JMY Mylar bags that were likely already sealed and contained sildenafil pills. Law enforcement also seized over 272,000 empty JMY brand Mylar bags and over 13,000 empty JMY brand boxes from various locations in the residence and the outside shed. Two heat sealers were also seized from the upstairs primary bedroom, one of which was set up on a desk in plain view. An invoice to James Duffy Inc., one of the known whole sale sellers of JMY, was also located and seized. BEHL and N.M. were the only people present at Valley Brook. N.M. on multiple occasions referred to BEHL as her husband and both BEHL and N.M. indicated they resided at Valley Brook.

31. A later search of BEHL's iPhone revealed, in addition to other evidence, that he had sent sending spreadsheets to N.M. via WhatsApp.<sup>1</sup> The spreadsheets contained the headings, "Dates," "Tracking IDs," "Current Status," "Customer Name," and "Country." The parcel bearing the tracking number ED541809913IN, addressed to N.M., [REDACTED],

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<sup>1</sup> WhatsApp Messenger is an instant messaging (IM) and voice over IP (VoIP) service. It allows users to send text, voice messages and video messages, make voice and video calls, and share images, documents, user locations, and other content.

East Greenwich, RI 02818 was listed on this spreadsheet as well as at least thirteen other parcels containing bulk quantities of sildenafil that were seized during the search.

32. Prior to any questioning, I informed BEHL that he was not under arrest and was free to leave at any time. BEHL stated he wanted to tell the truth and admitted to importing, labeling, and selling products that contained sildenafil to both wholesalers and convenience stores for cash and check including to the specific wholesalers Noor Inc. and James J. Duffy Inc. BEHL confirmed that he maintained bulk sildenafil pills, a heat sealer, and JMY labeling at Valley Brook. BEHL also indicated that he did not maintain records of his sales of JMY.

### **SEARCH OF NOOR INC.**

33. Also on September 6, 2023, law enforcement executed a search warrant at Noor Inc., Rice Street, Providence, Rhode Island (23-SW-217-PAS). Noor, Inc. was unoccupied at the time. Law enforcement seized approximately 575 individual JMY pouches boxed for sale in groups of twenty-five. An agent contacted Mahr Ahmed (the owner of Noor Inc.) at a telephone number, known to be utilized by Ahmed and Ahmed volunteered to return to Noor Inc. to be interviewed.<sup>2</sup> Ahmed told an agent he was the owner and operator of Noor Inc. and is the only one who has ownership in the business. Ahmed indicated that he is the sole person making decisions concerning the operation of Noor Inc. and described Noor Inc. as a supplier of general merchandise for distribution to convenience stores in the New England area. Ahmed described BEHL as a business associate that sometimes uses the office at Noor Inc. Ahmed indicated that he has been purchasing the JMY product from BEHL for approximately seven years. According to Ahmed, he was unaware that JMY contained sildenafil and was told by BEHL that the JMY was lab tested and only contained natural products. Ahmed paid BEHL for the JMY in both cash and check, but predominately ninety (90) percent of purchases were in cash. Busy Bubbles was the name of a laundromat that was operated by BEHL and was no longer in business. When paying by check, Ahmed stated that BEHL requested Ahmed issue the checks in the name of Busy Bubbles.

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<sup>2</sup> The United States recently filed an Information and Plea Agreement involving Ahmed. That case number is 1:25-cr-00091.



### CONCLUSION

34. Based on the foregoing, there is probable cause to believe that Jitender BEHL was involved in a criminal scheme to smuggle sildenafil into the United States, repackage that sildenafil in the JMY brand name and falsely label that drug as a dietary supplement. Behl then would distribute the JMY to wholesalers and retailers both known and unknown throughout Rhode Island and nearby States, all in violation of 21 U.S.C. §§ 331(a), 331(c), 331(d) and 331(k), 333(a)(2).



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Jason Giannelli  
Special Agent  
Food and Drug Administration  
Office of Criminal Investigation

Attested to by the applicant in accordance with the requirements of Fed.  
R. Crim. P. 4.1 by **Sworn telephonically and signed electronically**  
(specify reliable electronic means)

August 6, 2025

\_\_\_\_\_  
Date

**Providence, Rhode Island**

\_\_\_\_\_  
City and State



\_\_\_\_\_  
Judge's signature

**Patricia A. Sullivan, USMJ**

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Patricia A. Sullivan, U.S. Magistrate Judge