

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**UNITED STATES OF AMERICA**

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**CRIMINAL DOCKET NO. 12-173**

**v.**

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**SECTION: S**

**RYAN MICHAEL BURRAS**

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**FACTUAL BASIS**

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible, tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

The Defendant, **RYAN MICHAEL BURRAS** (hereinafter "**BURRAS**") has agreed to plead guilty as charged to Count One of the Indictment charging him with conspiracy to commit importation violations and violations of the Food, Drug, and Cosmetic Act, in violation of Title 18, United States Code, Section 371.

Tangible exhibits and witness testimony that would include testimony from representatives of the U.S. Food and Drug Administration (hereinafter, "FDA") would be introduced to show that synthetic marijuana is a family of chemically unrelated structures functionally similar to THC, which

is the active principle of marijuana. The product mimics the hallucinogenic effects of marijuana.

Evidence would be presented to show that synthetic marijuana is a drug as defined in 21 U.S.C. §321(g)(1), which defines the word “drug” to mean articles, other than food, intended to affect the structure or any function of the body of man. Synthetic marijuana is a new drug as defined in 21 U.S.C. §321(p), as any drug, the composition of which is such that such drug 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.

Witness testimony and other evidence would show that a drug is misbranded unless its labeling bears adequate directions for all intended uses under 21 U.S.C. § 352(f). Drugs that lack any directions for use are misbranded per se. A drug is also misbranded if its labeling is false or misleading in any particular under 21 U.S.C. § 352(a). False assertions in labeling accompanying products during importation, therefore, can render a drug misbranded. Evidence would also be produced to show that a drug is adulterated if it has been prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health; or if the methods used in, or the facilities or controls used for, its manufacture, processing, packing, or holding do not conform to or are not operated or administered in conformity with current good manufacturing practice to assure that such drug meets the requirements of Chapter 9 of Title 21 of the United States Code as to safety and has the identity and strength, and meets the quality and purity characteristics, which it purports or is represented to possess, pursuant to 21 U.S.C. § 351(a)(2).

Evidence would be produced to show that beginning on an unknown date in the first half of 2010, and continuing through an unknown date ending no earlier than July 2011, within the Eastern District of Louisiana and elsewhere, **BURRAS** conspired and agreed with Cody Beaudette (hereinafter “Beaudette”) and Christopher Buelle (hereinafter “Buelle”) to knowingly receive, buy, and sell merchandise, specifically, synthetic marijuana, imported into the United States contrary to law, that is, causing the introduction and delivery of a drug that is adulterated and misbranded under Federal law.

Records from the Louisiana Secretary of State’s Office would be introduced to show that on or about January 4, 2011, Beaudette and Buelle registered a limited liability company, known as C Square, L.L.C., with the State of Louisiana. Witnesses would testify, and business and bank records would be introduced to show that C Square, L.L.C. engaged in the production, labeling, and distribution of synthetic marijuana in the Eastern District of Louisiana. Further evidence would be introduced to show that C Square, L.L.C.’s synthetic marijuana brands were intended for human use and to affect the function of the human body. The brands produced, labeled, and distributed by C Square, L.L.C. included, but were not limited to, “ZeRo GrAviTy”, “iAroma”, and “Primo.” Witness testimony, tangible exhibits, and **BURRAS**’s own statements to law enforcement agents would be introduced to show that **BURRAS**, in confederation with, on behalf of, and at the direction of C Square, L.L.C., designed labels for C Square, L.L.C.’s brands of synthetic marijuana, and assisted in the distribution of C Square, L.L.C.’s synthetic marijuana brands.

Evidence would be introduced to show that the synthetic marijuana produced, packaged, and distributed by C Square, L.L.C. lacked directions for use and bore labeling that was false and

misleading. Specifically, C Square L.L.C.'s brands, including, but not limited to "ZeRo GrAviTy" and "iAroma" were packaged in containers labeled as "potpourri" and were further labeled, "This product is not to be burned or smoked and is not for human consumption," or "Not for human consumption." Evidence would also be introduced to show that C Square, L.L.C.'s synthetic marijuana was prepared and packaged, under insanitary conditions whereby it may have been contaminated with filth, it may have been rendered injurious to health, and the methods used in its manufacture, production, and packaging did not conform with the current standards of good manufacturing practice as required under the Food, Drug and Cosmetic Act and FDA regulations.

A forensic scientist would testify that C Square, L.L.C.'s products, including "ZeRo GrAviTy", "iAroma", and "Primo" were chemically examined, and tested positive for strains of synthetic marijuana. Those strains included JWH-018, JWH-210, and AM-2201.

Customs records, business documents, and bank account information would be introduced to show that the raw materials used to produce the synthetic marijuana for C Square,

L.L.C. were imported from foreign countries into the United States at the request and direction of C Square, L.L.C. and its representatives.

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ROBERT WEIR  
Special Assistant United States Attorney

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Date

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RYAN MICHAEL BURRAS  
Defendant

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Date

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RALPH S. WHALEN, JR.  
Attorney for Defendant

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Date