

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

UNITED STATES OF AMERICA

- against -

Docket No. CR-02-466(S-2)

JASON VALE,

(Gleeson, J.)
(Levy, M.J.)

Defendant.

----- X

SECOND SUPERSEDING ORDER TO SHOW CAUSE

WHEREAS, the United States having filed a civil complaint on November 24, 1999, against defendant and CHRISTIAN BROS.

CONTRACTING CORP. ("CHRISTIAN BROS."), United States v. Christian Bros., et al., CV99-7683 ("civil action"), alleging that

defendant and CHRISTIAN BROS. were selling amygdalin products (also known as "Laetrile" or "Vitamin B-17"), including tablets, injectable solution, and apricot seeds, in violation of the Federal Food, Drug, and Cosmetic Act ("FDCA"), 21 U.S.C.

§§ 331(a), (d), (k);

WHEREAS, on April 20, 2000, this Court entered an order of preliminary injunction in the civil action, which defendant and CHRISTIAN BROS. signed and consented to, and which, among other things, prohibited defendant and CHRISTIAN BROS. from, directly or indirectly, delivering for introduction into interstate commerce, holding for sale after shipment in interstate commerce,

processing, packing, labeling, promoting, or distributing amygdalin, Laetrile, "Vitamin B-17", or apricot seeds, any product containing or purporting to contain amygdalin, Laetrile, "Vitamin B-17", or apricot seeds, or which is labeled as amygdalin, Laetrile, "Vitamin B-17" or apricot seeds;

WHEREAS, on November 17, 2000, this Court entered an order of permanent injunction in the civil action, which defendant and CHRISTIAN BROS. signed and consented to, and which, among other things, prohibited defendant and CHRISTIAN BROS., from, directly or indirectly, delivering for introduction into interstate commerce, holding for sale after shipment in interstate commerce, processing, packing, labeling, promoting in violation of the FDCA, or distributing amygdalin, Laetrile, "Vitamin B-17", or apricot seeds, any product containing or purporting to contain amygdalin, Laetrile, "Vitamin B-17", or apricot seeds, or which is labeled as amygdalin, Laetrile, "Vitamin B-17", or apricot seeds;

WHEREAS, the March 12, 2002 declaration of Special Agent Danny Leung demonstrates that there is probable cause to believe that from on or about April 20, 2000 until at least January 22, 2002, defendant violated the preliminary injunction and the permanent injunction in the civil case;

NOW IT IS HEREBY ORDERED that defendant shall be served with copies of this order;

IT IS HEREBY FURTHER ORDERED that defendant shall appear at a trial to be held in the Courtroom of the Honorable John Gleeson, United States District Judge, Eastern District of New York, 225 Cadman Plaza East, Brooklyn, NY 11201, on February 18, 2003, and show cause why he should not be found guilty of criminal contempt in violation of 18 U.S.C. § 401(3) in that:

1. COUNT ONE

From on or about April 20, 2000, until on or about November 17, 2000, both dates being approximate and inclusive, in the Eastern District of New York and elsewhere, defendant, with the intent to deceive the UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK ("the Court"), the FOOD AND DRUG ADMINISTRATION ("FDA"), and customers, knowingly and willfully disobeyed and resisted the terms of the preliminary injunction in the civil case by, directly and indirectly, introducing into interstate commerce, holding for sale after introducing in interstate commerce, manufacturing, processing, packing, labeling, and distributing amygdalin, Laetrile, "Vitamin B-17", apricot seeds and products containing and purporting to contain amygdalin, Laetrile, "Vitamin B-17", and apricot seeds, and which are labeled as amygdalin, Laetrile "Vitamin B-17" and apricot seeds, and by aiding, abetting, counseling, commanding, inducing, procuring, and causing other persons to perform each of the foregoing acts;

2. COUNT TWO

From on or about November 17, 2000, until at least January 22, 2002, both dates being approximate and inclusive, in the Eastern District of New York and elsewhere, defendant, with the intent to deceive the Court, the FDA, and customers, knowingly and willfully disobeyed and resisted the terms of the permanent injunction in the civil case by, directly and indirectly, introducing into interstate commerce, holding for sale after introducing in interstate commerce, manufacturing, processing, packing, labeling, and distributing amygdalin, Laetrile, "Vitamin B-17", and apricot seeds and products containing and purporting to contain amygdalin, Laetrile, "Vitamin B-17", and apricot seeds, and which are labeled as amygdalin, Laetrile, "Vitamin B-17", and apricot seeds, and by aiding, abetting, counseling, commanding, inducing, procuring, and causing other persons to perform each of the foregoing acts;

3. COUNT THREE

From on or about April 20, 2000, until on or about November 17, 2000, both dates being approximate and inclusive, in the Eastern District of New York and elsewhere, defendant knowingly and willfully disobeyed and resisted the preliminary injunction in the civil case by promoting, and by directly and indirectly aiding, abetting, counseling, commanding, inducing, procuring, and causing other persons to promote, over the

internet and otherwise, amygdalin, Laetrile, "Vitamin B-17", and apricot seeds for the cure, treatment, mitigation, and prevention of cancer;

4. COUNT FOUR

From on or about November 17, 2000 until at least January 22, 2002, both dates being approximate and inclusive, in the Eastern District of New York and elsewhere, defendant knowingly and willfully disobeyed and resisted the permanent injunction in the civil case by promoting, in violation of the FDCA, and by directly and indirectly aiding, abetting, counseling, commanding, inducing, procuring, and causing other persons to promote in violation of the FDCA, over the internet and otherwise, amygdalin, Laetrile, "Vitamin B-17", and apricot seeds for the cure, treatment, mitigation, and prevention of cancer;

IT IS HEREBY FURTHER ORDERED that since defendant is subject to a term of imprisonment in excess of six months, he shall have the right to have the aforementioned trial before a jury.

Dated: Brooklyn, New York
January , 2003

Honorable John Gleeson
United States District Judge

JRB: PLEASE TAKE NOTICE that the within will be presented for settlement and signature to the Clerk

of the United States District Court in his office at the

UNITED STATES DISTRICT COURT U.S. Courthouse, 225 Madison Plaza East, EASTERN DISTRICT OF NEW YORK

Brooklyn, New York, on the _____ day of _____, 20____, at 10:30 o'clock in the forenoon.

Dated: Brooklyn New York _____, 20____

United States Attorney,

Attorney for _____

re: _____

Attorney for _____

JRB: PLEASE TAKE NOTICE that the within is a true copy of _____ duly entered herein

in the _____ day of _____

_____ in the office of the Clerk of

the Eastern District of New York,

Dated: Brooklyn, New York _____, 20____

United States Attorney,

Attorney for _____

re: _____

Attorney for _____

Criminal Action No. CR-02-0466

UNITED STATES DISTRICT COURT Eastern District of New York

UNITED STATES OF AMERICA,

Plaintiff,

- against -

JASON VALE,

Defendant.

SECOND SUPERSIEDING ORDER TO SHOW CASE

ROSLYNN R. MAUSKOPF

United States Attorney,
Attorney for Defendant,
Office and Post Office Address,
United States Courthouse
One Pierrepont Plaza
Brooklyn, New York 11201

Due service of a copy of the within _____ is hereby admitted.

Dated: _____, 20____

Attorney for Defendant
CHARLES KLEINBERG, AUSA
(718) 254-6012