

April 25, 2023

Nathan Ochsner, Clerk of Court

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

v.

MICHAEL LYNN BISCHOFF JR

Case No. **4:23-cr-181**

Violations: 21 U.S.C. §§ 331(a), 352(a)(1)

INFORMATION

INTRODUCTION

The United States Attorney charges that:

1. At all times relevant to this information, Michael Lynn Bischoff Jr was a Texas resident and United States citizen.

2. G.B. Nutrition Company is a Texas company incorporated by Bischoff on or about August 26, 2013, with its principal place of business in Stafford, Texas. Bischoff incorporated G.B. Nutrition and maintained G.B. Nutrition as a limited liability company for the purpose, among other things, of manufacturing and distribution of bodybuilding supplements and purported dietary supplements throughout the United States. Bischoff, through his business G.B. Nutrition, had manufactured products to be distributed into interstate commerce specifically to Pennsylvania.

3. The United States Food and Drug Administration (FDA) of the United States, Department of Health and Human Services, regulate the manufacture and distribution of all food (including dietary supplements) and drugs shipped or received into interstate commerce through enforcement of the Federal Food, Drug, and Cosmetic Act (FDCA), 21 U.S.C. §§ 301–399i. The

FDCA, in part, are meant to ensure that food and drugs sold for human use are safe and bear labeling that contains accurate and adequate information.

4. The FDCA defined a “drug” in relevant part, to include (1) any article intended for use in diagnosis, cure, mitigation, treatment or prevention of disease in man or other animal; (2) any article (other than food) intended to affect the structure or any function of the body of man or other animals; or (3) any article used as component of either. 21 U.S.C. § 321(g)(1)(B),(C),(D). Whether an article is a drug is determined by its intended use, which is defined as “the objective intent of persons legally responsible for the labeling of drugs.” 21 C.F.R. § 201.128. The intent is determined by “such persons’ expressions or may be shown by the circumstances surrounding the distribution of the article” and such intent may be shown by labeling claims, advertising matter, or oral or written statements by such person or their representatives. 21 C.F.R. § 201.128.

5. A drug was misbranded under the FDCA if its labeling was false or misleading in any particular, 21 U.S.C. § 352(a)(1).

6. It was a prohibited act for any person to introduce or deliver for introduction, or to cause the introduction or delivery for introduction, into interstate commerce of any misbranded drug. 21 U.S.C. § 331(a), 352(a)(1). The FDCA imposes strict-liability misdemeanor punishment for violations of 21 U.S.C. § 331. 21 U.S.C. § 333(a)(1); *United States v. Park*, 421 U.S. 658 (1975).

7. Beginning on or about May 2016 and continuing to November 2018, Bischoff regularly caused the introduction of misbranded drugs (SARMs) into interstate commerce, including, but not limited to, causing the introduction and delivery of introduction into interstate

commerce the following misbranded drugs to Pennsylvania from the Southern District of Texas, on or about the dates indicated below:

- 8/28/18 Centurion Labz SARM MK-2866 (Ostarine), labeled to contain Ostarine as “Dietary Supplement”
- 8/28/18 Centurion Labz SARM GW-501516 (Cardarine), labeled to contain Cardarine as “Dietary Supplement”

8. The above products were drugs because they were intended to affect the structure or any function of the body. 21 U.S.C. § 321(g)(1)(C). They were misbranded in that the label was false and misleading. 21 U.S.C. § 352(a)(1). These drugs failed to contain the correct labeled ingredient. For example, samples of Centurion Labz products and other SARM products distributed by G.B. Nutrition were lab tested and found to either not contain the labeled ingredient in its entirety or contained a completely different ingredient than on the label, ie SARM GW-501516 (Cardarine) contained the ingredient Armistane and not the labeled Cardarine.

COUNT ONE

The United States Attorney charge that:

- 9. The Introduction is re-alleged and incorporated by reference.
- 10. From on or about May 2016 and continuing to November 2018, Michael Lynn Bischoff Jr, in the Southern District of Texas, and elsewhere, introduced and delivered for introduction into interstate commerce quantities of misbranded drugs which were misbranded because the labeling was false and misleading. of 21 U.S.C. §352(a)(1).
- 11. Michael Lynn Bischoff Jr used his business entity, G.B. Nutrition, to cause the distribution of misbranded drugs throughout the United States.

12. All in violation of 21 U.S.C. §§ 331(a), 352(a)(1).

NOTICE OF FORFEITURE

13. Upon conviction of the offense alleged in this Information Michael Lynn Bischoff Jr. shall forfeit to the United States misbranded drugs, pursuant to 21 U.S.C. § 334 and 28 U.S.C. § 2461, that were shipped to various locations in the United States.

14. Because the above-described forfeitable property has been transferred and sold to third parties and cannot be located upon the exercise of due diligence, the United States intends to seek forfeiture of the below property pursuant to 21 U.S.C. § 853(p):


- Four drums labeled as Saw Palmetto
- One drum labeled as Taragon Extract
- One box labeled as Tauroursodeoxycholic acid
- One drum labeled Theacreme
- One drum labeled Yaerba
- Two drums labeled Zink
- Three drums labeled 5 HTP
- Three drums labeled Synephrine
- Seven drums labeled Phytosterols
- Three drums labeled Paradoxine
- One drum labeled Phenibut
- One drum labeled Sodium citrate
- One drum labeled Pregnenolone
- One drum labeled Parsley Leaf powder
- One drum labeled Noopept
- One drum labeled Long Jack Oil
- One drum labeled L-Phenylalanine
- One drum labeled Puncture Vine Extract
- One drum labeled Pine Bark Extract
- One drum labeled as HICA
- One drum labeled as Hemp Seed Extract
- One drum labeled as Pantothenic Acid
- One drum labeled as Pyguem
- One drum labeled as CLA
- One drum labeled as Beta Sitosterol
- One drum labeled as L-Glutamine
- One drum labeled as Keto-DHEA
- One drum labeled as deer placenta
- One drum labeled as Adrafinil
- Six boxes of Huge Life Raw Mass

- One box of bottles
- One box of bottles labeled as Centurion Labz
- One box of bottles containing purple pills
- One box of bottles containing gold pills
- One box of empty bottles labeled OSTA SARM
- One box of empty bottles labeled as Clomex
- One box labeled as Outlaw S-23
- One drum labeled as Valkyrie burn
- One drum labeled as Super Test
- One rolling chrome shelf with numerous colored capsules
- Two drums labeled as Muscle Plex
- Three drums labeled as Agumatine
- Two drums labeled as DMHA
- One drum labeled as Cissus
- One drum labeled as Phenibut
- One drum labeled as DHEA
- One drum labeled as Grizzley WHT
- One drum labeled as Beast Black
- One drum labeled as Ro Gold 90
- One drum labeled as Lippo Blast
- One drum labeled as HGH Secretagogue
- One drum labeled as WLD WHT90
- Two drums labeled as Infinite Joint
- One drum labeled as Uprising DR 180
- One drum labeled as Trance
- One drum labeled as Clomex
- One drum labeled as Clen Thyronine
- One drum labeled as Laxodna
- One drum labeled as Laymen Silver
- One drum labeled as DMAA
- One drum labeled as Armistane
- One box of yellow capsules
- One box of bottle containing black and white capsules
- Various labeled products of Bio-Gen Innovations and various names
- Various sample labels
- 1 roll of labels in part "Comatose Growth Sleep Recovery"
- Bottles labeled Edgar Weber Tiger Blood, Centurion Labz, and Dean Somes Prg
- Bottles labeled as Blood Push, Green Detox, Arez Titanuim, AF101617Sherbert, Prinova, Tigers Blood, Prinova Guava/Cola, Huge Life, Natural Tigers blood, Allen Flavor, Natural Masking
- 408 rolls of various product labels
- One Pallet of 8 Drugs labeled "Amla Extract made in China"
- One Pallet of 8 boxes labeled "taurine with anti-caking agent"
- Three Pallets containing boxes labeled in part "Science-based GreenDeotx Super Greens"
- One Pallet contained white bags of white powder labeled "Malto Dextrin made in

China”

- Two drums containing white substance labeled “L-Leucine USP38”
- Six drums containing white substance labeled “L-Isoleucin”
- Five drums containing white substance labeled “L-Valine”
- Twelve drums containing unknown substance labeled “Spirulina Powder”
- Seven drums containing unknown substance labeled “Gotu Kola Extract”
- Four drums containing unknown substance labeled “Pomiagranate Juice Powder”
- Forty-two drums containing unknown substance labeled “Agmatine Sulfate”
- Two boxes of “Forbidden Labz not for sale”
- Two pallets and one box labeled “Creatine Monohydrate”
- Eight boxes labeled “Betaine Inhydrous”
- Nine boxes labeled “Sucralose”
- Three boxes labeled “Acesuflame-K”
- One pallet of 24 boxes labeled “Caffeine”
- One box of 18 containers of unknown substance
- One drum of unknown substance labeled “Fenugreek”
- Seventeen boxes labeled “Sulfate”
- Two drums labeled “Theobromine”
- One drum labeled “GAMA”
- One drum labeled “Grapefruit Extract”
- Four drums labeled “L-Carnitine Base”
- Twenty-seven Various drums labeled: “Rasberry Ketone” “L-Arginine” “L-Leucine” “Agmatine Sulfate” “Pagnibut” “L-Isoleucine” “L-Valine” “Gaba” “Dandelion Extract” “Phenibut” “Alpha Lipoic Acid” “GotuKola Extract” “Evodia Extract” “Balerian PE” “Alpha Lipoic Acid” “Mucuna Pruriens Extract”
- Nine Boxes labeled Beta Alanine
- Five Boxes labeled “Caffeine”
- Eight numbered vats
- Eleven drums containing “Protein Stable”
- Seven boxes containing plastic bottles
- Two bottles of Glaxon Pharm labeled products

ALAMDAR S. HAMDANI
UNITED STATES ATTORNEY


TINA ANSARI
ASSISTANT UNITED STATES ATTORNEY

AO 455 (Rev 1/09) Waiver of an Indictment

UNITED STATES DISTRICT COURT

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WAIVER OF INDICTMENT

I understand that I have been accused of one or more offenses punishable by imprisonment for more than one year. I was advised in open court of my rights and the nature of the proposed charges against me.

After receiving this advice, I waive my right to prosecution by indictment and consent to prosecution by information.

Date: _____

Defendant's signature

Signature of defendant's attorney

Printed name of defendant's attorney

Judge's signature

Judge's printed name and title