

RCMP PRESS RELEASE

CANADA

September 27, 2005

RCMP seizes counterfeit Viagra

Today, the Royal Canadian Mounted Police Greater Toronto Area Federal Enforcement Section charged a Richmond Hill pharmacist and his two Richmond Hill pharmacies with eleven charges under the *Criminal Code of Canada*, the *Food and Drugs Act*, and the *Customs Act*. The charges are the result of a six-month RCMP investigation and search warrants executed on July 13, 2005 by the RCMP with the assistance of Health Canada, the Ontario College of Pharmacists, Canada Border Services Agency and Pfizer Inc.

The RCMP allege that the accused imported, packaged, distributed and sold counterfeit Viagra® using an unapproved version of the drug known as sildenafil citrate which police believe was imported from India. The RCMP further allege that the accused used Optimum Compounding Pharmacy Ltd. and Direct Compounding Ltd. as a base of his operations and that he sold the alleged counterfeit product both through these pharmacies and on-line through the Internet.

Viagra®, produced by Pfizer Inc., is a prescription medication used in the treatment of erectile dysfunction. Viagra® and sildenafil citrate are both produced by Pfizer Inc. and are protected by Patent laws in Canada. Pfizer Inc. is the sole owner of the patent and the only entity authorized in Canada to be in possession of the compound Viagra® and sildenafil citrate.

Between January and March 2005, Canada Border Services Agency in Montreal, Que. identified two suspect shipments of counterfeit Viagra® and bulk sildenafil citrate destined for Optimum Compounding Pharmacy Ltd. in Richmond Hill, Ontario. The suspect shipments were forwarded to the RCMP Greater Toronto Area Federal Enforcement Section for follow up investigation. The tablets were subsequently analyzed by Pfizer Inc. and found to be counterfeit and containing unapproved sildenafil citrate with impurities. The bulk powder proved to be sildenafil citrate but came from an unauthorized source and was not manufactured by Pfizer Inc.

“As part of our investigation the RCMP is seeking information from people who have purchased Viagra from either Optimum Compounding Pharmacy Ltd. or Direct Compounding Ltd.” stated Constable Judy Laurence of the RCMP Greater Toronto Area Federal Enforcement Section. “If you have made such a purchase you are encouraged to contact Constable Dave Sutherland at 905-876-9566.

"Counterfeiters involved in this type of Intellectual Property crime attempt to trade off the reputation of legitimate companies for their own profit at the expense of both the legal rights holders and the public," said Constable Laurence.

"Consumers of prescription drugs must be able to trust that the drugs they are taking are authentic and that they contain the necessary medicinal ingredients," added Constable Laurence. "Drug counterfeiting undermines this trust. That's why it's important for the RCMP to investigate this type of crime and to bring those involved in it before the courts."

"Health Canada is committed to working with the RCMP and all regulatory agencies to protect consumers," said Diana Dowthwaite, Director of Compliance and Enforcement at Health Canada. "In this case, we are providing the RCMP with expert advice and support on potential contraventions of the Food and Drugs Act and its regulations. We will continue to work with the RCMP to safeguard the drug distribution system in Canada."

"The College has the responsibility of protecting the public and it is a responsibility we take seriously," said Deanna Williams, Registrar of the Ontario College of Pharmacists. "We moved swiftly to secure closure of Direct Compounding on July 22, 2005. The College has placed suitable restrictions to ensure that no drugs for erectile dysfunction are dispensed at Optimum. The member and the two pharmacies have been referred to discipline."

"This new investigation clearly shows that even the world's safest pharmaceutical distribution systems are being challenged," said Frank Monteleone, Vice President Legal Affairs at Pfizer Canada. "The sale of counterfeit and other illegal pharmaceutical products is a serious and growing global concern that can pose significant health risks for patients. Pfizer is working with the RCMP to ensure that Canadians can remain confident in the safety of their medicines."

Charged are:

- Andrew SOMMERHALDER, age 37, Montessor Court, Richmond Hill, ON
- OPTIMUM COMPOUNDING PHARMACY LTD., Yonge Street, Richmond Hill, ON
- DIRECT COMPOUNDING LTD., Kinnear Court, Richmond Hill, ON

According to Ontario College of Pharmacists records, Andrew SOMMERHALDER is a licenced pharmacist for the Province of Ontario and the sole director and shareholder of both pharmacies.

Charges under the *Criminal Code of Canada* include the following:

- one count of Passing Off under sections 408(a)
- two counts of Fraud over \$5000.00 under section 380(1)(a)
- one count of Bringing into Canada Property Obtained by Crime under section 357

Charges under the *Food and Drugs Act* include the following:

- one count of Unlawfully Selling an Adulterated Drug under section 8(b)
- one count of Unlawfully Selling a Drug Not Labeled as Required under section 9(1)
- three counts of Unlawfully Packaging or Labeling and Distributing a Drug Unapproved and/ or Unlicensed for the Canadian Market under section 31.

Charges under the *Customs Act* include the following:

- two counts of Making False or Deceptive Statements under section 153(a)

The first appearance for the accused will be October 13, 2005 at Newmarket Provincial Court House. The investigation continues and further charges have not been ruled out.

This investigation is part of Project OCAT, a Royal Canadian Mounted Police (RCMP) led project to combat counterfeit products entering into Canada.

http://www.rcmp-grc.gc.ca/on/press/2005/2005_sept_27_e.htm