



BOARD OF COUNTY COMMISSIONERS

DATE: August 7, 2012
AGENDA ITEM NO. 24

Consent Agenda

Regular Agenda

Public Hearing

County Administrator's Signature

Subject:

Approval of Authority to Advertise for a Public Hearing for a Proposed Amendment to the Pinellas County Code Regarding Substances of Significant Concern.

Department:

Justice and Consumer Services

Staff Member Responsible:

Tim L. Burns, Director

Recommended Action:

I RECOMMEND THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING TO BE HELD ON AUGUST 21, 2012, FOR A PROPOSED ORDINANCE AMENDING THE PINELLAS COUNTY CODE BY ADDING SECTIONS 86-111 THROUGH 86-116 RELATED TO SUBSTANCES OF SIGNIFICANT CONCERN.

Summary Explanation/Background:

Increased levels of abuse and misuse of illicit, untested, and often unregulated substances pose an imminent threat to health and safety of the community as Substances of Significant Concern. Pinellas County desires to reduce the potential for harm and addiction from these substances within the community.

In response to County Commission inquiries, Justice and Consumer Services conducted an initial review of available substances in February 2012. This review demonstrated a wide range of products available through tobacco shops and convenience stores raising health and safety concerns within the community. Upon further research and review, this concern was presented to the Board of County Commissioners as a key strategic initiative in May 2012.

Justice and Consumer Services moved forward with enforcement partnerships targeted at drug paraphernalia and synthetics in Largo. Twelve locations were cited by the County for drug paraphernalia and several arrests were made by Largo Police Department. Additional enforcement actions have been taken by several agencies including formal notification to stores by the Sheriff's Office on synthetic marijuana.

Along with enforcement efforts, Justice and Consumer Services conducted presentations in several forums and held an input meeting with local stakeholders representing criminal justice and health agencies, including law enforcement, treatment providers, medical examiner, forensic lab, and medical representatives, and others. Of important note, two families participated in the meeting and shared their stories of related substance abuse. From the input and review, the ordinance has been developed in order to help close the gaps on existing laws and to address newly emerging areas of concern that seem poised as the next replacements such as Kratom.

The amended ordinance will add a division for substances of significant concern and address requirements for manufacturing, sales, and monitoring. Additionally, the amendment will create The Substances of Significant

Concern Advisory Committee (SSCAC) for the purpose of certifying whether a product sold in Pinellas County constitutes a Substance of Significant Concern.

Fiscal Impact/Cost/Revenue Summary:

There is no fiscal impact to the County.

Exhibits/Attachments Attached:

Proposed Ordinance
Legislative Support Documents

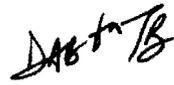
ORDINANCE REVIEW FORM

Type of Resolution or Ordinance: Proposed Ordinance Amending Article IV of Chapter 86 of the Pinellas County Code to add Substances of Significant Concern

Estimated Revenue or Expenditure: N/A

Available Budget: N/A

The attached documentation is submitted for your review and comment. Upon finalization of your review, please complete this Review Form below and forward to the next Review Authority on the list.

| <u>REVIEW AUTHORITY</u> | <u>REVIEW DATE</u> | <u>SIGNATURE</u> | <u>COMMENTS</u> | <u>COMMENTS ADDRESSED ORIGINATOR'S INITIALS & DATE</u> |
|---|--------------------|---|-----------------|--|
| <u>Originating Department</u> JCS (Paul Melton) | 7/24/12 |  | | |
| <u>JCS</u>  Tim Burns | 7/24/12 |  | | |
| <u>County Attorney</u> Carl Brody | 7/24/12 |  | | |
| <u>Asst. County Administrator</u> Carl Harness | 7/24/12 |  | | |

Please return to Paul Melton by July 23, 2012. All inquiries should be made to Paul Melton, at ext. 33460. Thank you.

ORDINANCE NO. 12-_____

AN ORDINANCE OF THE COUNTY OF PINELLAS RELATING TO PUBLIC HEALTH AND SAFETY; AMENDING ARTICLE IV OF CHAPTER 86 OF THE PINELLAS COUNTY CODE BY ADDING SECTIONS 86-111 THROUGH 86-116; PROVIDING A TITLE TO BE NAMED SUBSTANCES OF SIGNIFICANT CONCERN; PROVIDING FOR DEFINITION OF TERMS USED IN THE ORDINANCE; PROVIDING FOR PROSCRIPTIONS RELATING TO THE MANUFACTURE, SALE, OR DISPLAY OF SUBSTANCES OF SIGNIFICANT CONCERN; REQUIRING MAINTENANCE OF VIDEO MONITORING; REQUIRING NOTICE TO FRANCHISORS; PROVIDING FOR PROSCRIPTIONS AGAINST THE ADVERTISEMENT OF SUBSTANCES OF SIGNIFICANT CONCERN; PROVIDING FOR A PENALTY; AUTHORIZING THE COUNTY ATTORNEY TO SEEK INJUNCTIVE RELIEF; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH RESPONSIBLE AUTHORITIES.

WHEREAS, the increased levels of abuse and misuse of illicit, untested, and often unregulated substances pose an imminent threat to health and safety of the community as Substances of Significant Concern; and

WHEREAS, the State of Florida banned Salvia Divinorum in 2008 following continuing evidence of its misuse and abuse; and

WHEREAS, the Federal Government banned five (5) known compounds used in the manufacturing of synthetic marijuana/synthetic cannabinoids following their identification as potentially harmful in 2010; and

WHEREAS, the State of Florida banned lists of compounds commonly used in the making of synthetic marijuana/synthetic cannabinoids and bath salts; and

WHEREAS, substances commonly known as synthetic marijuana/synthetic cannabinoids and bath salts have been consistently linked to increased levels of addiction, harm, and/or abuse concerns; and

WHEREAS, calls to Poison Control Centers nationally for overdoses related to synthetic marijuana/synthetic cannabinoids rose 140% from 2,906 in 2010 to 6,959 in 2011; and

WHEREAS, calls to Florida Poison Control Centers for overdoses related to synthetic marijuana/synthetic cannabinoids rose 100% from 252 in 2010 to 501 in 2011; and

WHEREAS, availability of Kratom (*Mitragyna Speciosa*), a substance known to be banned in several locations outside of the United States most notably in its key origin of Thailand, listed by the Drug Enforcement Administration as a drug or chemical of concern, and

with no scientifically established medical uses, has been linked to increased abuse and misuse leading to addiction and side effects including psychosis; and

WHEREAS, Kratom is often being marketed as a substitute to opiate addicts at a time when Florida continues to recover from a prescription drug epidemic; and

WHEREAS, additional, often untested, variations and new substances continue to be created, processed, and marketed as incense, potpourri, bath salts, mood enhancers, sexual stimulants, relaxation products, herbal supplements, dietary supplements, and other variations in herbal, pill, powder, and liquid form or as an additive to another product, often touting effects and “legal highs” similar to controlled substances and outpacing safety reviews and regulation; and

WHEREAS, Substances of Significant Concern pose potential for impacts from the abuse and misuse of these substances on prescribed drug interactions, newborns and pregnancy, and human health, and the contrary has not been effectively demonstrated; and

WHEREAS, youth and young adults within the community often find easy access to these Substances of Significant Concern leading to abuse and misuse; and

WHEREAS, the marketing, blog discussions, articles, and service impact statistics are often the earliest indicators of the abuse and misuse of many of these uncontrolled and unregulated products; and

WHEREAS, Pinellas County desires to reduce the potential for harm and addiction from Substances of Significant Concern within the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

Section 1. Article IV of Chapter 86 of the Pinellas County Code is amended to add the following section:

DIVISION 3. – SUBSTANCES OF SIGNIFICANT CONCERN

Sec. 86-111. - Legislative intent.

The Board of County Commissioners of Pinellas County hereby determines that Substances of Significant Concern pose a public health threat due to the demonstrated abuse and misuse of the products within the community. In addition, input received from the synthetic stakeholders group, providers, and concerned consumers provide legislative support for the enactment of this Division in order to protect the safety, health, and welfare of the citizens of Pinellas County.

Section 2. Article IV of Chapter 86 of the Pinellas County Code is amended to add the following definitions:

Sec. 86-112. - Definitions.

Controlled Substance means any drug or substance as described and defined in F.S. § 893.03, 893.035 or 893.036; which are adopted by reference.

Deliver or *Delivery* means the actual, constructive or attempted transfer from one person to another of a controlled substance or substance banned under section 86-113, whether or not there is an agency relationship.

Department means the Pinellas County Department of Justice & Consumer Services.

Manufacturing means the act of obtaining, processing, and/or packaging of ingredients to support the sale or distribution of substances banned within section 86-113.

Reasonable Evidence of Common Use includes references to its use in marketing, assertions made during distribution or sale, medical treatises, clinical and/or medical data, evidenced by law, research, journals, test results, articles, news stories, or on blogs, social media, internet sites, or other paper and/or electronic media demonstrating potential for alternative use, misuse, abuse, diversion to youth, or other harm regardless of stated purpose of use, form, name, or packaging.

Simulated Drugs means any products which identify themselves by using a common name or slang term associated with a controlled substance or indicates by label or accompanying promotional material that the product simulates the effect of a controlled substance or drug.

Substances of Significant Concern means any product which is structurally similar to synthetic marijuana/synthetic cannabinoids or synthetic cannabinoid-mimicking compounds and/or their structural backbone or analogues; any bath salts containing MDPV, Mephedrone, Pyrovalerone and do not contain Epsom salt, sea salt, or baking soda as a main ingredient; any synthetically altered or processed plant based derivative such as Salvia Divinorum and/or Kratom (*Mitragyna Speciosa*); any of which may be used for the purpose of providing or simulating the effect of a controlled substance and demonstrate significant potential for misuse, abuse, and/or harm based upon *Reasonable Evidence of Common Use* and/or any product listed as a banned controlled substance by state law, and/or any product listed on the United States Drug Enforcement Administration list of “Drugs and Chemicals of Concern” and whose proper manufacturing, sale, and acquisition are not knowingly regulated by federal and/or state laws.

Section 3. Article IV of Chapter 86 of the Pinellas County Code is amended to add the following section:

Sec. 86-113. - Substances of Significant Concern; manufacturing, sales, and monitoring.

(a) *Substances of Significant Concern Advisory Committee.*

- (1) The Substances of Significant Concern Advisory Committee (SSCAC) is created pursuant to this Article for the purpose of certifying whether a product sold in Pinellas County constitutes a Substance of Significant Concern.
- (2) The SSCAC shall be composed of the following members:
 - a. A representative from the Medical Examiner's Office;
 - b. A representative from a law enforcement agency in Pinellas County;
 - c. A representative from the Drug Paraphernalia Advisory Board;
 - d. A representative from the Prescription Drug Advisory Board; and
 - e. A member of the public who is a resident of Pinellas County.
- (3) The SSCAC shall hold hearings at which the Department shall present evidence including Reasonable Evidence of Common Use, supporting its request to add a product to the Registry of Substances of Significant Concern.
- (4) The SSCAC shall, after hearing presentation from the Department and any other interested parties, determine whether the product being considered should be added to the Registry of Substances of Significant Concern based on the preponderance of the evidence provided for at the hearing.

(b) *Restrictions.*

- (1) No owner, manager, proprietor or other person in charge of any place of business shall sell, offer for sale, or deliver for sale any Substance of Significant Concern as certified by the Substances of Significant Concern Advisory Committee.
- (2) No person or business within Pinellas County shall manufacture for distribution or sale any Substance of Significant Concern as defined in sec. 86-112.

(c) *Monitoring and Video Monitoring.*

Any owner, manager, proprietor or other person in charge of any place of business within Pinellas County that sells, offers for sale, or delivers for sale any tobacco product or any items defined within 86-106 under Division 2, or that is registered with the State of Florida as a convenience store shall provide distributor contact information for products on site and shall maintain video surveillance, when available, of the property for a period of 24 hours and shall provide a copy

of such for review, immediately upon request by any code enforcement or law enforcement officer with jurisdiction in Pinellas County for enforcement of this Ordinance.

(d) *Notice of Substances of Significant Concern.*

The Department shall maintain a Registry of Substances of Significant Concern and shall update the list of proscribed substances on the first Tuesday of every month. The Registry shall be accessible electronically through the Department Website.

(e) *Notice of Franchisor.*

The Department shall notify the franchisor of any franchisee upon any action taken by the Department or any law enforcement agency in Pinellas County pursuant to this section of this Ordinance.

Section 4. Article IV of Chapter 86 of the Pinellas County Code is amended to add the following section:

Sec. 86-114. - Advertisement.

- (a) *Advertisement.* It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowingly or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of Substances of Significant Concern subsequent to receiving notice of the Reasonable Evidence of Common Use of the substance by the Department, law enforcement, or code enforcement.

Section 5. Article IV of Chapter 86 of the Pinellas County Code is amended to add the following section:

Sec. 86-115. - Penalty.

- (a) The Department shall create a substance abuse avoidance training program for first time violators of this Article. Failure to complete the training program will result in prosecution of the violation as provided for in subsection (b).
- (b) Violations of this Ordinance shall be prosecuted in the same manner as misdemeanors and shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed \$500 or by injunctive relief on behalf of the County.

Section 6. Article IV of Chapter 86 of the Pinellas County Code is amended to add the following section:

Sec. 86-116. - Subsequent federal or state action.

Nothing herein shall be read to be in conflict with state or federal law regarding the regulation of controlled substances. Any amendment to state or federal law, either legislative or administrative, which further restricts any substance regulated under this Ordinance shall supersede this Ordinance and those provisions shall no longer be deemed effective.

Section 7. Severability.

In the event that any court having jurisdiction over any case arising under this section determines that any subsection or other provision of this section is invalid for any reason, the remaining subsections or other provisions shall continue to be in full force and effect, and towards that end the Board of County Commissioners declares this section and its subsections and other provisions to be severable.

Section 8. Effective Date.

Pursuant to Section 125.66(2), Florida Statutes, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. This Ordinance shall become effective upon filing of the Ordinance with the Department of State.

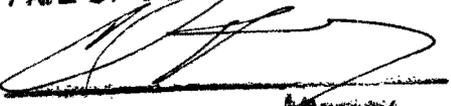
Section 9. Areas Embraced.

Pursuant to Section 2.01 of the Pinellas County Charter, this Ordinance shall be effective in the incorporated as well as unincorporated areas of the County.

Section 10. Codification.

It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pinellas County Code; and that the sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY



Attorney

Synthetic Marketing

Synthetic Substances of Abuse

Mass distribution in area

http://www.abcactionnews.com/dpp/news/local_news/investigations/i-team-uncovers-local-companies-distributing-mass-quantities-of-synthetic-marijuana

Altered state assault in Pasco

<http://www.tampabay.com/news/publicsafety/crime/deputies-pasco-man-smoked-spice-attacked-father-with-broom/1221335>

Drowning in Pinellas(represents one of various examples)

<http://www.tampabay.com/news/publicsafety/crime/police-safety-harbor-teen-smoked-legal-herbal-incense-drug-before-drowning/1209812>

Students Charged in Frightening K2 Incident (Lakeland)

<http://www.wtsp.com/news/topstories/article/238400/250/Students-charged-in-frightening-K2-incident>

Tainted Spice Linked to Kidney Failure (another state, but highlights important problem...no one knows what all is in each batch...no ingredients are listed...no one regulates)

<https://webmail.pinellascounty.org/OWA/redir.aspx?C=0ec5a757463a4f018f7836009d599acb&URL=http%3a%2f%2fwww.google.com%2furl%3f%3dX%26q%3dhttp%3a%2f%2fabnews.go.com%2fblogs%2fhealth%2f2012%2f03%2f05%2ftainted-spice-linked-to-kidney-failure-outbreak%2f%26ct%3dga%26cad%3dCAcQAhgAIAAoATAFOAVA8ZPV-gRIAVAAWABiBWVuLVVT%26cd%3dktjbT8I16W0%26usg%3dAFQjCNFcgv999awZSn1uEDs56Kpx9zXOYw>

Man, 23, Fatally Shot by SWAT Had Served in Afghanistan (Pasco)

<http://www.tampabay.com/news/publicsafety/crime/troubled-veteran-dies-in-dade-city-standoff/1223070>

Increased calls to poison control in 2011 with Youth

<http://www.thegrio.com/health/synthetic-pot-sold-over-the-counter-sends-kids-to-the-er.php>

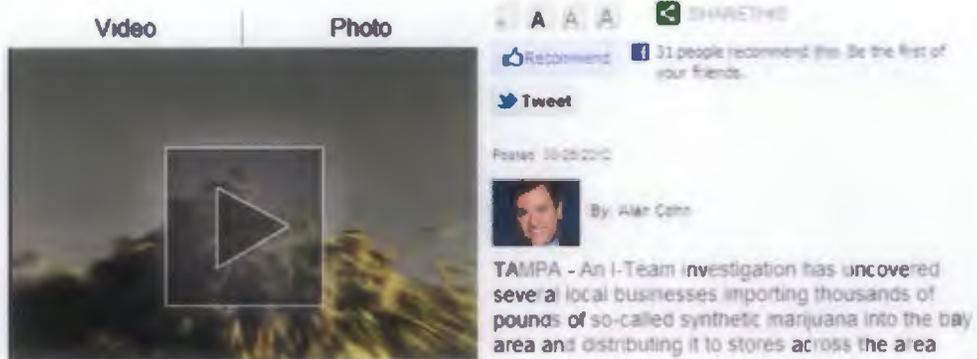
Deputies: Pasco man smoked Spice, attacked father with broom

Times staff

In Print: Friday, March 23, 2012

I-Team: Local companies distributing mass quantities of synthetic marijuana

Video | Photo



31 people recommend this. Be the first of your friends.

Tweet

Posted: 10/25/2012

By Alan Cohn

TAMPA - An I-Team investigation has uncovered several local businesses importing thousands of pounds of so-called synthetic marijuana into the bay area and distributing it to stores across the area.

Police: Safety Harbor teen smoked legal herbal incense drug before drowning

By Will Hobson and Drew Harwell, Times Staff Writers
In Print: Tuesday, January 10, 2012

Lakeland students charged in frightening K2 synthetic marijuana incident

4:54 PM Feb 15, 2012 • 2 comments

LAKELAND, Florida -- Several high school students in Lakeland could be in big trouble after a 16-year-old girl hallucinated and then blacked out before classes Friday.

Investigators say that student had just smoked K2, the synthetic marijuana drug. How she got ahold of it exposes what some say is a weakness in a law that was meant to keep it out of her and other students' hands.

"Unfortunately, on Friday, we had several students who did not make good choices," said Polk Asst. School Superintendent Fred Murphy.

Seven students, all from Lake Gibson High School in Lakeland, are in big trouble for buying, selling, or using the synthetic drug K2.

Investigators say two older students sold the drug to a 15-year-old who then split it with four other underage students. One of them was a 16-year-old girl who started to hallucinate and then collapsed.

Wyoming kidney failure outbreak linked to "Spice" drug

 **REUTERS** By Laura Zuckerman Reuters - Mon, May 5, 2013

 Email  Recommend 10  Tweet 0  Share  Print  Post

(Reuters) - Three young people have been hospitalized with kidney failure and a dozen others sickened in Casper, Wyoming, in an outbreak linked to a batch of the designer drug Spice, authorities said on Friday.

State medical officials said the cause of the outbreak was under investigation but that Casper residents who sought medical treatment for vomiting and back pain had recently smoked or ingested a chemical-laced herbal product packaged as "blueberry spice."

The illnesses reported by physicians and hospitals in the Wyoming city beginning last Sunday added up to a cluster that alarmed health officials by the end of the week.

"At this point, we are viewing use of this drug as a potentially life-threatening situation," Tracy Murphy, Wyoming state epidemiologist, said in a statement.

Those who have fallen ill range in age from the late teens to early 20s and all used blueberry-flavored spice, said Bob Herrington, director of the Casper-Natrona County Health Department.

Harrington said the outbreak was causing concern among health and law enforcement officials in the city of 55,000 residents.

"Based on our information from the doctors, the three people with kidney failure are in pretty serious shape; they're very sick," he said.

Spice is sometimes sold as "legal marijuana" because of the high that users experience from plant material coated with chemicals that claim to mimic THC, the active ingredient in marijuana, according to the U.S. Drug Enforcement Administration.

According to 2011 Monitoring the Future Study of Youth Drug Use Trends, 11.4% of 12th graders used spice or K2 in last year.

Poison control centers are reporting major increases in calls with 60% of the cases involving patients 25 years old or younger.

Observed Behaviors by from Local Provider

- Confusion to psychosis, one client very paranoid and obsessive. was isolating and felt addicted.
- One in-patient hallucinating that girlfriend was under the bed.
- Some are coming in violent and hyped up. psychotic, jumping over the counters and taking time to stalking them.
- One client reported doing spice for the past few months – effects paranoia with A V hallucinations and some tactile sensations.
- Youth worker reports a rising number of K2 abuse. Youth report lethargy, nausea, vomiting, headaches, and anxiety. Number of Baker Act where it is believed that it was drug induced from regular K2 use, but no way to test for this as K2 will not show up on a drug screen.
- Synthetic marijuana one time and could not talk or move for 15 minutes. Her rate was extremely high where she thought she was getting a heart attack and literally felt she was dying.

Observed Behaviors / Survey of Clients

Juvenile Services:

- **Juvenile Case Management:** Approximately 6 out of 11 current clients have reported to me that they have used spice at least once. They have reported that they have used it in a minimal capacity, about once or twice before. Most have reported that they tried it, did not like it, and only used it because they were unable to acquire marijuana at that time.
- **80% Juvenile Outpatient-** (I would say 8 out of 10 of my clients have reported using Spice on at least one occasion. From our Counselor, "I don't remember any admitting to the use of bath salts, however most of them have known about it. Also I have had several report trying "Kush cakes" or "downie brownie" which is basically a brownie that contains valerian root, melatonin or other natural herbs that make you relax"
- **Juvenile Residential - 75%-** 11 of 17 "I would say that 11 out of our 17 clients right now have tried or use spice regularly. I have only had 1 client tell me they have used the bath salts."
- **PAR Adolescent Recovery Intervention Services - 80%** of 35 enrolled PARIS youth report spice or K2 use. According to youth they begin use as they are trying to pass drug screens for probation. The youth are enrolled from Neighborhoods of North Greenwood and Childs Park and other areas.
- **In our Bay Area Young Offender Reentry Program** –*Anecdotal reports indicate about 20%. It is used mostly by Caucasian children to still get high yet beat the U.A.'s. Otherwise they ultimately prefer MJ*

Adult Services:

- At our Largo Campus (has JAG funds) Out of 23 adult clients, 13 admitted to using synthetics. Mostly Caucasian males-almost 50%
 - Outpatient services are reporting at least 50% if not higher.
-

Local convenience store pictures:





Synthetic MJ "Bullet"



Mario Kart Bullet from Video Game



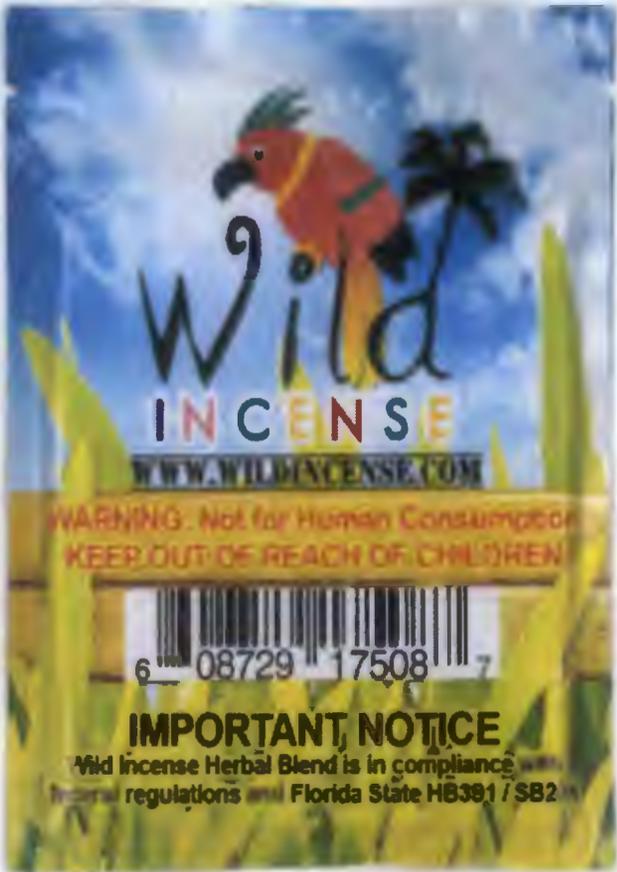
Synthetic MJ: Scooby Snax

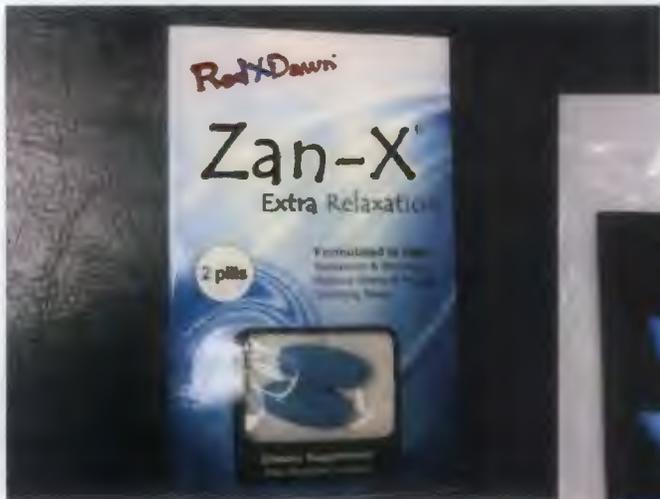


Scooby Doo Cartoon



New May 2012





tampa bay all for sale / wanted classifieds "incense" - craigslist - Windows Internet Explorer

Browser navigation bar showing the URL http://tampa.craigslist.org and search results for "incense". Includes menu items like File, Edit, View, Favorites, Tools, Help and search filters like "title only", "entire post", "has image".

CL > tampa bay craigslist > all for sale / wanted
all tampa bay hermando co laborborough co pasco co pinellas co

Search filters: for sale / wanted, search incense in: all for sale / wanted, sort by most recent, best match, low price, high price.

Found: 46 Displaying: 1 - 46

- May 6 - Decorative Incense Bottle - \$23 (Pinellas Park) general - by owner
May 6 - Dr 13 Herbal Incense 1.4 Lb - \$165 (Treasure Island) general - by owner
May 5 - HUGE YARD SALE!!!! - \$1 (Seminole) garage & moving sales
May 5 - LILY'S INDOOR FLEA MARKET SMELLING GOOD INCENSE + CLOTHING COME & SEE! - (NEW PORT RICHEY, FL) general - by owner
May 5 - LILY'S INSENSE CLOTHING + INDOOR FLEA MARKET COME & SEE!!!! - (NEW PORT RICHEY, FL) general - by owner
May 5 - Colorful Mirrors Chimes Jewelry Safari Nautical Mermaid Beach - Seminole Blvd general - by dealer
May 5 - Decor: Fish Lizards Elephants Birds Octopus Owls Tigers Turtles &more - Seminole Boulevard, Seminole arts & crafts - by dealer
May 4 - Looking for some Incense Spice - (New Tampa) barter

Dr 13 Herbal Incense 1 4 Lb - S165 (Treasure Island)

Date: 2012-04-27 9:32PM EDT
Reply to: xyz2982879521@sale.craigslat.org

Message posted using internet email account on a web platform. This email is not intended for you.

Text only

1 4 lb S165 we accept Google Checkout
And always Free Priority Shipping
Dr13 we have been around for years giving you the best deals.



• Location: Treasure Island
• We DO NOT sell to minors. We provide our services to other countries.

Incense, ur144 chemical is 3500 a kilo & 2500 in quantity, 5fur144 - S2500 (tampa)

Date: 2012-04-27 9:32PM EDT
Reply to: xyz2982879521@sale.craigslat.org

message me we have a huge warehouse of chem and incense

100 kilos of ur144 is in stock and is as good as am2201 which is now banned in 25 states and yw18 is banned in 49 states

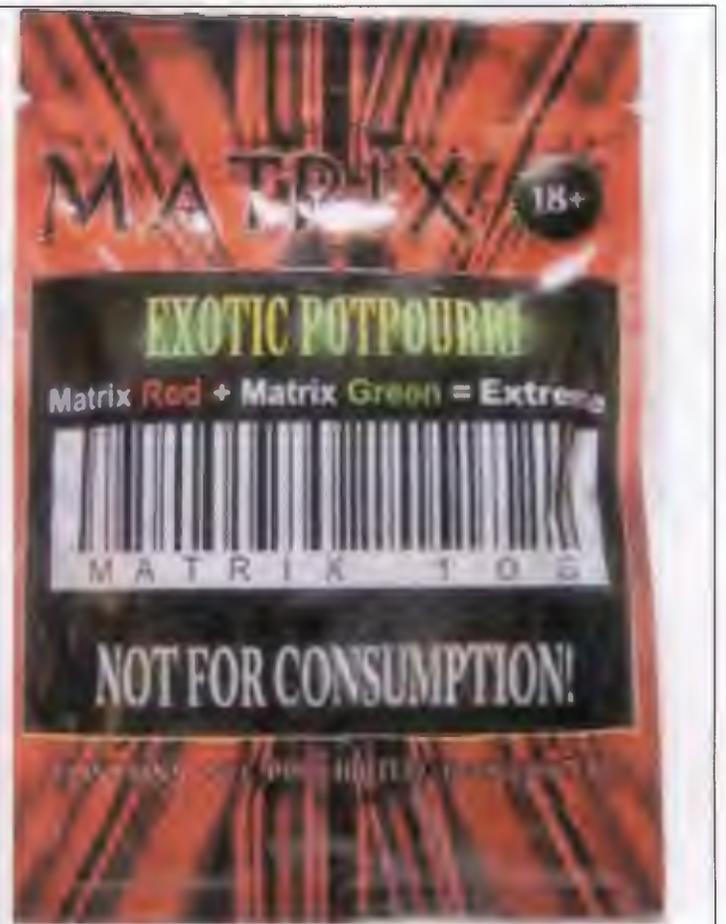
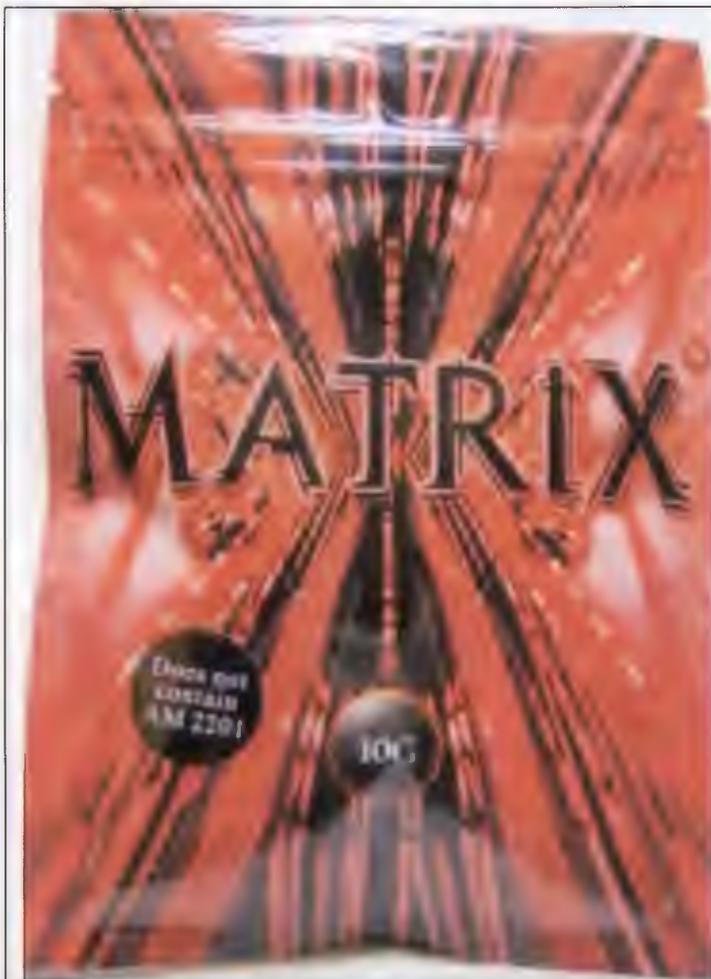
900 a kilo finished incense with all 50 state legal chems

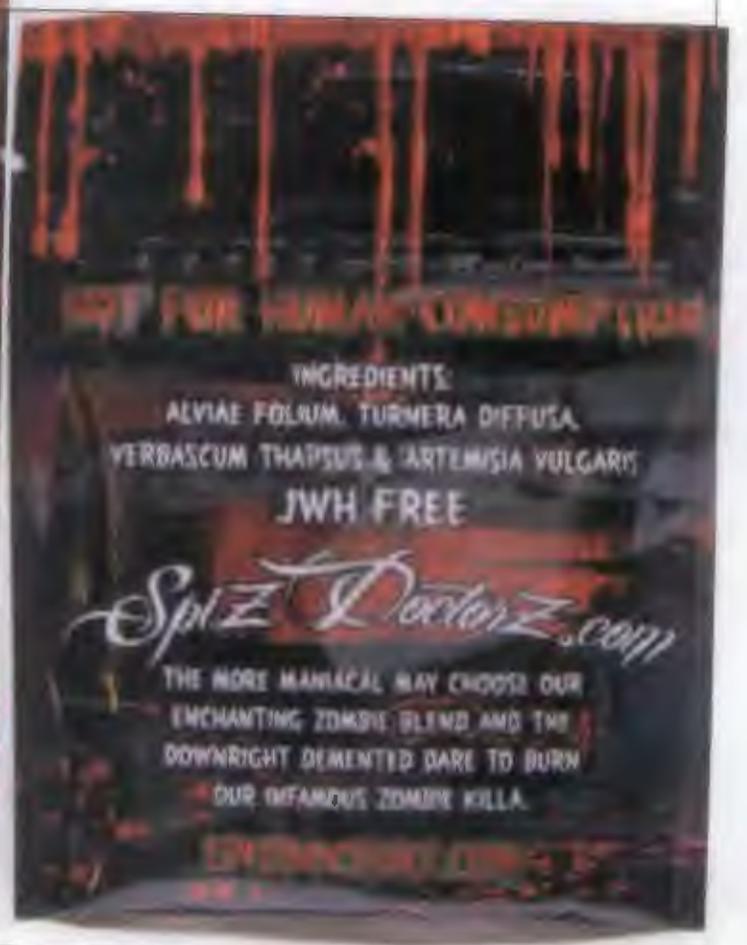
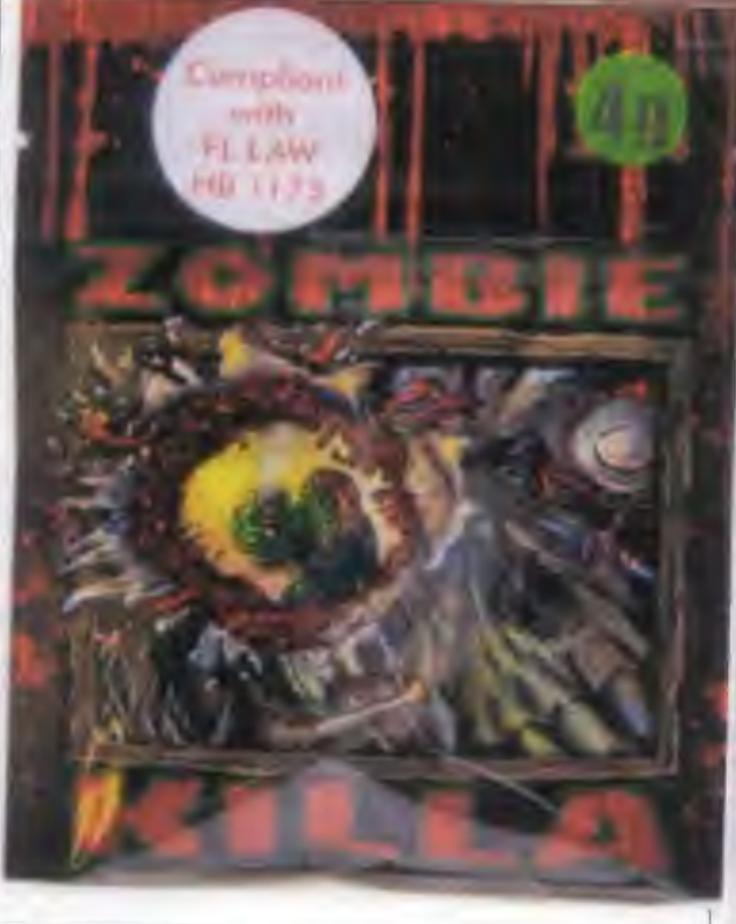
pbu144 pb 5fur144 is stronger than ur144 and is \$3500 a kilo and available in a week

- Location: tampa
- We DO NOT sell to minors. We provide our services to other countries.

PostingID: 2982879521









FOR FRAGRANT PURPOSES ONLY.
 KEEP OUT THE REACH OF CHILDREN
 AND PETS.
 NEVER LEAVE BURNING INCENSE
 UNATTENDED.
 MAKE SURE ALL ASHES FALL IN
 ASHTRAYS OR BURNERS.
 ONLY BURN IN WELL VENTILATED
 AREAS.
 SMOKE INHALATION MAY CAUSE LIGHT-
 HEADEDNESS, AND MAY BE HARMFUL
 TO YOUR HEALTH.
 DOES NOT CONTAIN
 JWH 018, 073, 081, 122,
 133, 200, 250 OR HU 210,
 211, CP 47, WIN55, 212.
 Tested and
 Certified by
 The American
 Society for Human Consumption
 WWW.SMOOTHSPICE.COM



Wicked Witch
 Cool Beansz
 Fragrance
 Candy Apple - Green Apple
 Watermelon - Strawberry
 and Orange Scent
 All for human consumption, 100%
 for 100% natural products
 Smooth Spice

Wicked Witch



This lightly cherry scented 3rdGen blend has uniquely colored herbs to thwart bootleggers and knock-offs. The herbs clump together for nice packing, and they look really cool. Don't be deceived by her beauty, as this witch can be very cruel and wicked.

Only the most experienced users should consider this blend. Absolutely not for newbies!

Wicked Witch Premium Potpourri is sold in 3 gram packages



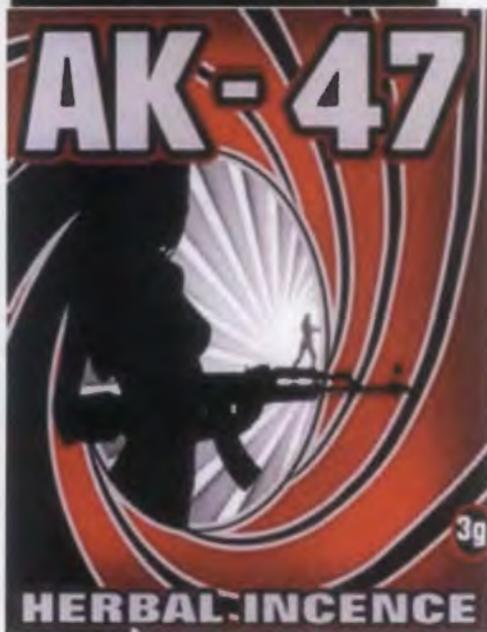
HAMMERHEAD Incense

3g

This herbal incense was created for the toughest of the tough. It is insanely strong. .

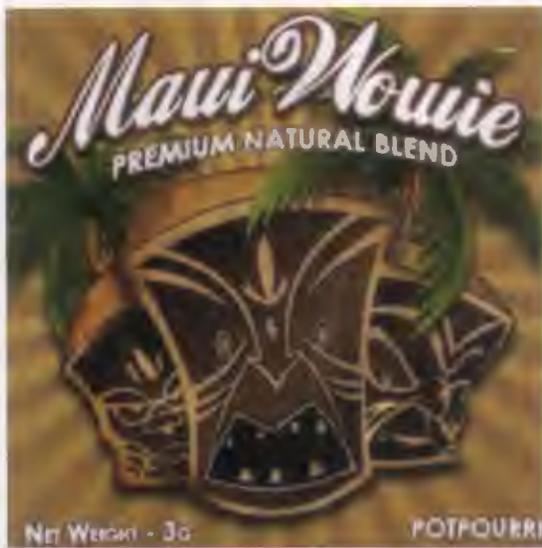
Hammerhead comes in a 3 Gram Incense Package. A little goes a long, long way.

PLEASE, do not order this product unless you are a **VERY experienced** user.



AK-47 Herbal Incense 3g

This blend will blow you away. Don't go into the jungle with a pea shooter when you can have the extreme weapon of choice. Definatly not for the inexperienced or casual user. In the wrong hands, AK-47 can be dangerous.

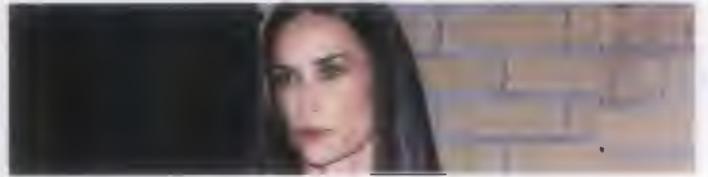


Maui Wowie Potpourri 3g

Maui Wowie looks and smells almost like the real thing. Careful though! This is way stronger than anything from Hawaii. Take it slow and wait! Do not mix with anything else.



'Something' Demi Moore smoked may have been illegal K2 spice



Purple Haze Max 3g

We have completely re-invented Purple Haze and intensified it's potency. If you are a **newbie** to herbal incense, this is your **second best choice**. It is very similar to the old K2 Summit or Black Mamba.

Purple Haze Max Incense comes in 3 Gram packages.

Sample Blog Entries at Online Storefront

Robber →

01/07/2012 05:24

Love it all. Look forward to Maui Wauai arriving with my large order. I want to comment on "Mr. Bad Guy"-WOW that can blow your mind! Was not expecting that at all, I was trippin' Love to walk the dog at sunrise with Mr. Bad guy. I have tried them all. Surprised how much I enjoyed the slight menthol versions; very smooth. Lastly-Use flavored papers to roll potpourri tightly & best results.

colton

01/16/2012 22:07

i just bought Maui Wowie from a gas station today< and i cant say anything but it was awesome. if i smoked that my frist time i would have freaked out thou. pretty cray if i do say so my self. pretty intense!!!! it was really good thou. it was more a head high than a body high im more into body highs but im def going to be buying alot more of this product!!!!

Vic Ticious

11/15/2011 10:57

I just tried 7H for the first time. You ought to change the name to Seventh Heaven. This in now my favorite all time herbal incense! It's stronger than Head Trip and Wizard of Oz, but not as strong as Fairy Legal or Relaxinol. The buzz only lasted a short time, but I was able to get back up there by using more. Some of the others don't work like that.

Robber →

01/18/2012 00:31

I got my explorer pack in two days, love it. I highly, highly recommend ordering a separate package of the Maui Wowie. I never want to see that go away. I'm not in the Military but i don't think any test will be available any time soon at all.

Cm

01/23/2012 00:01

LOL Roger that tracking here. No worries so far. Yes the military has tests that DO detect the certain chemicals that are in happy bags BUT they can't keep up nor is it feasible to keep testing for just any time. Another thing they won't throw a Spice test unless they have reason to test for it and if the chems keep changing they only test for the ones that are out. I don't mind ratting this out but i enjoy relaxing as the next person and I'll keep doing it as long as it is not detectable nor being discontinued. If you do decide to continue please keep one person with you at all times as sometimes your reaction may be different and may that person have lips that are sealed. PS. I get tested every 7 days here ...Passed A + Best of luck ... Medical here :)

AugustWest

01/18/2012 17:00

hey everybody, shouldn't we be a little more discreet when talking about these products? we are supposed to be burning this in an incense burner and enjoying the "aromas" while meditating—remember? if we say in an open forum that we are mis-using these products, we will see this awesome site go bye bye.



This party & energy stimulator will enhance lights, sound and everything around. Just mix one ounce in your favorite fruit drink and wait one hour. Red Dawn will have you dancing the night away without the hangover. Results last 6-8 hours for most.

Red Dawn
SPARK4D
HAPPY CAPS

Comatize all your ills and afflictions. **Spark 4D™** takes the bull by the horns and "Slowtivates" ~~yes~~ ~~Slowtivates~~ all obstacles coming your way. Relaxation, Chill, Mojo, and Swagger are now in the palm of your hands. Forget about the ~~Red~~ pill or the ~~Blue~~ pill. Take the ~~Green~~ pill and enjoy the ~~4th~~ Dimension. "Un'ergy" has never felt so Bliss.

Red Dawn
SPARK4D
HAPPY CAPS

100% PURE FUN

Vector® Pill is Extreme Bliss...

DESCRIPTION:

Vector® Pill is Extreme Bliss...

Designed to amp up your party, this is a true experience for the club or social environment...
Warning: Vector may cause sensitivity to touch or extreme pleasure. Vector is great for both men & women...



Supplement Facts

| | |
|---------------------------|---|
| Amount Per Serving | |
| Total Weight | 1.00g (0.035oz) |
| Amount Per Serving | 100mg |
| Other Ingredients | Cellulose, Hydroxypropyl Methylcellulose, Polyethylene Glycol, Magnesium Stearate, Croscarmellose, Polyvinylpyrrolidone, and Talc |

Warnings:

Do not use if pregnant or breastfeeding.

Keep out of reach of children.

Contains 100mg of caffeine. Do not consume if you are sensitive to caffeine or if you are taking other medications containing caffeine. Do not consume if you are pregnant or breastfeeding.

Keep out of reach of children.



Manufactured by Red X Down LLC

200 S. Main St.
Lubbock, TX 79401
(806) 794-4321

Distributed by Red X Down



Product Description

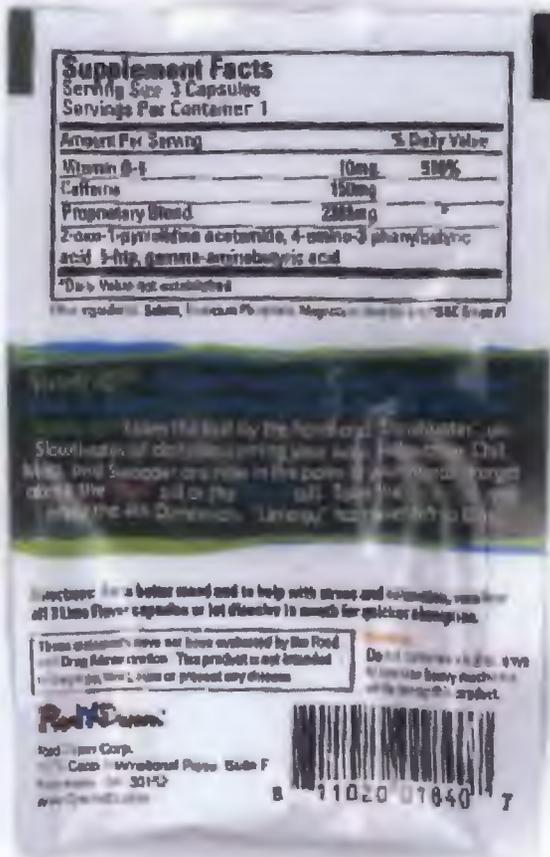
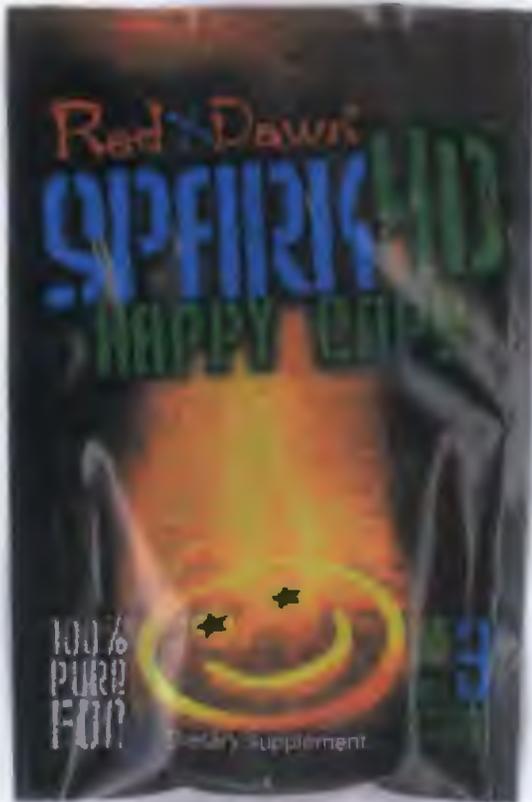
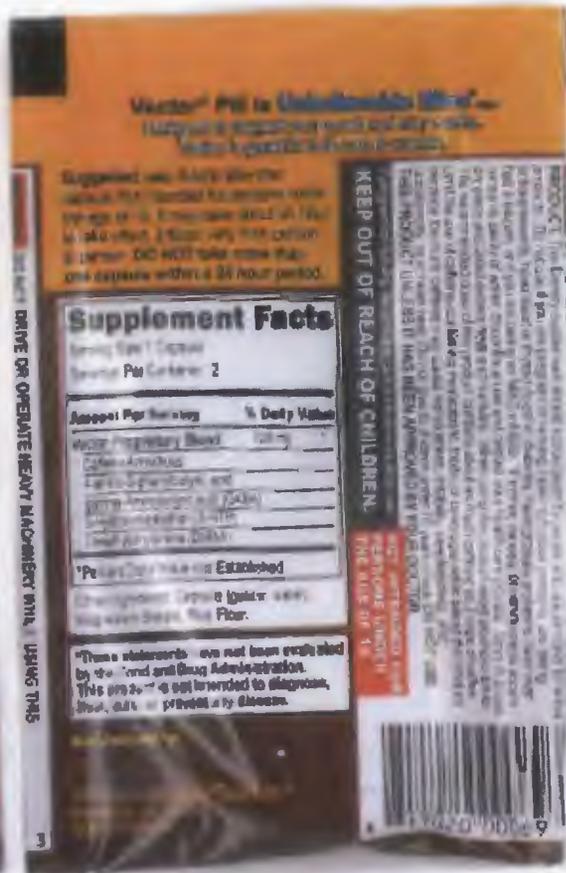
Vector Shot brings a heightened sense of euphoric pleasure, sensitivity to touch, increased orgasm, and extra mood enhancement. It is great for lovers who wish to experience true sexual pleasure. Vector Shot is also great for clubs and social events for those who want the added sensual edge. Hands down, the strongest and best out there!

Suggested Use - Take one Vector Shot about one hour before desired results. Effects vary from person to person; take two only if you have tried taking one before. If one Vector does not give you the desired effects, then take the second at least one hour after taking the first Vector.

Ingredients: Caffeine 200mg PROPRIETARY BLEND 575mg L-Theanine, Yohimbine HCL, Synephrine HCL FEVIA BLEND 5425mg 4-aminoo-3-Phenylethyltyrosine, Gamma Amino Butyric Acid, 5-HTP(5-hydroxy-L-tryptophan)

Warning! It is extremely dangerous to drive or operate machinery while using this product. This Product is not for sale to persons under the age of 18. This product is not intended to diagnose, treat or cure any disease. This product has not been approved by the FDA. Consult your physician before using this product.







WARNING: USE WITH CAUTION.
Do not use while operating a motor vehicle,
machinery, if you are pregnant or nursing,
or if you are taking any prescription or
non-prescription medication or drugs.
Keep out of reach of children. This Product has
not been evaluated by the FDA & is not intended
to diagnose, treat, or prevent any disease.

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U.S. Department of Justice Drug Enforcement Administration
Office of Diversion Control

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Drugs and Chemicals of Concern

Information and Legal Resources at your fingertips



Got Drugs?



To view PDF documents



External links included in this website should not be construed as an official endorsement of the views contained therein.

Drugs and Chemicals of Concern

- **1-[3-(Trifluoro-methyl)-phenyl]piperazine]]**
 (Street Names: "TFMPP" or "Molly". Often found in combination with BZP: "A2", "Legal E" or "Legal X")
- **2,5-Dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7)**
 (Street Names: Blue Mystic, T7, Beautiful, Tripstay, Tweety-Bird Mescaline)
- **3,4-Methylenedioxymethamphetamine**
 (Street Names: MDMA, Ecstasy, XTC, E, X, Beans, Adams)
- **4-Bromo-2,5dimethoxyphenethylamine**
 (Street Names: 2C-B, Nexus, 2's, Toonies, Bromo, Spectrum, Venus)
- **4-Iodo-2,5-Dimethoxyphenethylamine**
 (Street Names: 2C-I, i)
- **4-Methylmethcathinone (Mephedrone)**
 (Street Names: 4-MMC, meow meow, m-CAT, bounce, bubbles, mad cow)
- **5-Methoxy-N,N-Diisopropyltryptamine**
 (Street Names: Foxy, or Foxy methoxy)
- **Alpha-Methyltryptamine**
 (Street Name: Spirals)
- **Anabolic Steroids**
 (Street Names: Arnolds, Gym Candy, Pumpers, Roids, Stackers, Weight Trainers, Gear, and Juice)
- **Benzodiazepines**
 (Street Names: Benzos, Downers, Nerve Pills, Tranks)
- **N-Benzylpiperazine**
 (Street Names: BZP, A2, Legal E or Legal X)
- **Buprenorphine**
 (Trade Names: Buprenex®, Suboxone®, Subutex®)
- **Carisoprodol**
 (Trade name: Soma®)
- **Clenbuterol**
 (Street Names: Clen)
- **Cocaine**
 (Street Names: Coke, Snow, Crack, Rock)
- **Cyclobenzaprine**
 (Trade Name: Flexeril®, Amrix®)
- **Dextromethorphan**
 (Street Names: DXM, CCC, Triple C, Skittles, Robo, Poor Man's PCP)
- **N,N-Dimethyltryptamine**
 (DMT)
- **d-Lysergic Acid Diethylamide**
 (Street Names: LSD, Acid, Blotter Acid, Window Pane)
- **Fentanyl**
 (Trade names: Actiq®, Fentora™, Duragesic®)
- **Fospropofol**
 (Lusedra®)
- **Gamma Hydroxybutyric Acid**
 (Street Name: GHB, Liquid Ecstasy, Liquid X, Goop, Georgia Home Boy, Easy Lay)
- **Human Growth Hormone**

- (Trade Names: Genotropin®, Humatrope®, Norditropin®, Nutropin®, Saizen®, Serostim®)
- **Hydrocodone**
(Trade Names: Vicodin®, Lortab®, Lorcet-HD®, Hycodan®, Vicoprofen®)
 - **Hydromorphone**
(Trade name: Dilaudid®; Street Names: Dust, Juice, Smack, D, Footballs)
 - **Jimson Weed (*Datura stramonium*)**
(Street Names: Thornapple, stinkweed, locoweed, augushka, ditch weed, devil's snare, devil's seed, devil's trumpet, Korean morning glory, Jamestown weed, angel's trumpet, beelzebub's twinkie, madhatter, and crazy tea.)
 - **Ketamine**
(Street Names: Special K, "K", Kit Kat, Cat Valium)
 - **Kava**
(Other Names: Ava, Intoxicating Pepper, Kawa Kawa, Kew, Sakau, Tonga, Yangona)
 - **Khat**
(Street Names: Khat, Qat, Kat, Chat, Miraa, Quaaaka)
 - **Kratom (*Mitragyna speciosa korth*)**
(Street Names: Thang, Kakuam, Thom, Ketum, Biak)
 - **Levamisole**
(Ergamisol®)
 - **Methamphetamine**
(Trade Name: Desoxyn®; Street Names: Meth, Speed, Crystal, Glass, Ice, Crank, Yaba)
 - **Methadone**
(Trade Names: Methadose®, Dolophine®; Street Names: Fizzies, Amidone, Chocolate Chip Cookies)
 - **3,4-Methylenedioxypyrovalerone (MDPV)**
(Street Names: "bath salts," "Ivory Wave," "plant fertilizer," "Vanilla Sky," "Energy-1")
 - **Methylphenidate**
(Trade Names: Ritalin- (IR, LA, and SR), Concerta, Metadate- (CD and ER), Methylin- (IR and ER) and Focalin- (IR and ER))
 - **Nalbuphine Hydrochloride**
(Trade Name: Nubain®)
 - **Oxycodone**
(Trade Names: Tylox®, Percodan®, OxyContin®)
 - **Oxymorphone**
(Trade Names: Opana®, Opana ER®; Street Names: Blue Heaven, Blues, Mrs. O, New Blues, Octagons, Oranges, Orgasna IR, OM, Pink, Pink Heaven, Pink Lady, Pink O, Stop Signs, and The O Bomb)
 - **Phencyclidine**
(Street Names: PCP, Angel Dust, Supergrass, Boat, Tic Tac, Zoom, Shermans)
 - **Propofol**
(Diprivan®)
 - **Salvia Divinorum and Salvinorin A**
(Street Names: Maria Pastora, Sage of the Seers, Diviner's Sage, Salvia, Sally-D, Magic Mint)
 - **Spice Cannabinoid**
 - CP 47,497 and homologues
 - HU-210,
 - JWH-018,
 - JWH-073)
 - **Tramadol**
(Trade Name: Ultram®)

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Drug Fact Sheet

Bath Salts or Designer Cathinones (Synthetic Stimulants)

Overview

Synthetic stimulants that are marketed as “bath salts” are often found in a number of retail products. These synthetic stimulants are chemicals. The chemicals are synthetic derivatives of cathinone, a central nervous system stimulant, which is an active chemical found naturally in the khat plant. Mephedrone and MDPV (3,4-methylenedioxypyrovalerone) are two of the designer cathinones most commonly found in these “bath salt” products. Many of these products are sold over the Internet, in convenience stores, and in “head shops.”

Street names

Bliss, Blue Silk, Cloud Nine, Drone, Energy-1, Ivory Wave, Lunar Wave, Meow Meow, Ocean Burst, Pure Ivory, Purple Wave, Red Dove, Snow Leopard, Stardust, Vanilla Sky, White Dove, White Knight, White Lightning

Looks like

“Bath salt” stimulant products are sold in powder form in small plastic or foil packages of 200 and 500 milligrams under various brand names. Mephedrone is a fine white, off-white, or slightly yellow-colored powder. It can also be found in tablet and capsule form. MDPV is a fine white or off-white powder.

Methods of abuse

“Bath salts” are usually ingested by sniffing/snorting. They can also be taken orally, smoked, or put into a solution and injected into veins.

Affect on mind

People who abuse these substances have reported agitation, insomnia, irritability, dizziness, depression, paranoia, delusions, suicidal thoughts, seizures, and panic attacks. Users have also reported effects including impaired perception of reality, reduced motor control, and decreased ability to think clearly.

Affect on body

Cathinone derivatives act as central nervous system stimulants causing rapid heart rate (which may lead to heart attacks and strokes), chest pains, nosebleeds, sweating, nausea, and vomiting.

Drugs causing similar effects

Drugs that have similar effects include: amphetamines, cocaine, Khat, LSD, and MDMA.

Overdose effects

These substances are usually marketed with the warning “not intended for human consumption.” Any time that users put uncontrolled or unregulated substances into their bodies, the effects are unknown and can be dangerous.

Legal status in the United States

On Friday, October 21, 2011, DEA published a final order in the Federal Register exercising its emergency scheduling authority to control three synthetic stimulants that are used to make bath salts, including: Mephedrone, 3,4-methylenedioxypyrovalerone (MDPV) and Methylone. Except as authorized by law, this action makes possessing and selling these chemicals, or the products that contain them, illegal in the United States. This emergency action was necessary to prevent an imminent threat to the public safety. The temporary scheduling action will remain in effect for at least one year while the DEA and the United States Department of Health and Human Services (DHHS) further study whether these chemicals should be permanently controlled. As a result of this order, these synthetic stimulants are designated as Schedule I substances under the Controlled Substances Act. Schedule I status is reserved for those substances with a high potential for abuse, no currently accepted use for treatment in the United States and a lack of accepted safety for use of the drug under medical supervision.



Drug Fact Sheet

Kratom

Overview

Kratom is a tropical tree native to Thailand, Malaysia, Burma, and other areas of Southeast Asia. Consumption of its leaves produces both stimulant effects (in low doses) and sedative effects (in high doses) and can lead to addiction. The leaves from Kratom trees are widely available on the internet and sold as crushed leaves that can be smoked or steeped for tea and as gel caps.

Street names

Thang, Kakuam, Thom, Ketum, Biak

Looks like

The kratom tree can reach heights of 50 feet with a spread of more than 15 feet. Forms available through the Internet include leaves (whole or crushed), powder, extract, encapsulated powder, and resin "pies," (pellets made from reduced extract).

Methods of abuse

Kratom is mainly abused orally as a tea. Chewing kratom leaves is another method of abuse.

Affect on mind

At low doses, kratom produces stimulant effects with users reporting increased alertness, physical energy, talkativeness, and sociable behavior. At high doses, users experience sedative effects. Effects occur within 5 to 10 minutes of ingestion and last for 2 to 5 hours. Kratom consumption can lead to addiction. Several cases of psychosis resulting from use of kratom have been reported, where individuals addicted to kratom exhibited psychotic symptoms, including hallucinations, delusion, and confusion. Withdrawal effects include symptoms of hostility, aggression, mood swings, runny nose, achy muscles and bones, and jerky movement of the limbs.

Affect on body

Kratom's effects on the body include nausea, itching, sweating, dry mouth, constipation, increased urination, and loss of appetite. Long-term users of kratom have experienced anorexia, weight loss, insomnia, skin darkening, dry mouth, frequent urination, and constipation.

Drugs causing similar effects

The dominant effects of kratom are similar to those of psychostimulant drugs.

Overdose effects

Kratom has been abused as a recreational drug around the world. In low doses, Kratom works as a stimulant and in high doses as a sedative. In low doses (10 grams) kratom induces mild euphoria and reduces fatigue, and generally does not interfere with ordinary activities. With strong doses (20-50 grams) the effects are said to be profoundly euphoric and immensely pleasurable.

Legal status in the United States

Kratom is not controlled under the Controlled Substances Act. There is no legitimate medical use for Kratom in the United States. However, it is marketed on the internet as "alternative medicine" for use as a pain killer, medicine for diarrhea, and other ailments and for the treatment of opiate addiction. Kratom is legal in the United States but is on the DEA list of Drugs and Chemicals of Concern.

Common places of origin

The kratom tree grows in areas of Southeast Asia, but various forms of kratom are widely available on the Internet.



Drug Fact Sheet

K2 or Spice

Overview

K2 or "Spice" is a mixture of herbs and spices that is typically sprayed with a synthetic compound chemically similar to THC, the psychoactive ingredients in marijuana. The chemical compounds typically include HU-210, HU-211, JWH-018, and JWH-073. K2 is commonly purchased in head shops, tobacco shops, various retail outlets, and over the Internet. It is often marketed as incense or "fake weed." Purchasing over the Internet can be dangerous because it is not usually known where the products come from or what amount of chemical is on the organic material.



Street names

Bilss, Black Mamba, Bombay Blue, Fake Weed, Genie, Spice, Zohai

Looks like

K2 is typically sold in small, silvery plastic bags of dried leaves and marketed as incense that can be smoked. It is said to resemble potpourri.

Methods of abuse

K2 products are usually smoked in joints or pipes, but some users make it into a tea.

Affect on mind

Psychological effects are similar to those of marijuana and include paranoia, panic attacks, and giddiness.

Affect on body

Physiological effects of K2 include increased heart rate and increase of blood pressure. It appears to be stored in the body for long periods of time, and therefore the long-term effects on humans are not fully known.

Drugs causing similar effects

Marijuana

Overdose effects

There have been no reported deaths by overdose.

Legal status in the United States

On Tuesday, March 1, 2011, DEA published a final order in the Federal Register temporarily placing five synthetic cannabinoids into Schedule I of the CSA. The order became effective on March 1, 2011. The substances placed into



Drug Fact Sheet

K2 or Spice – cont'd.

Schedule I are 1-pentyl-3-(1-naphthoyl) indole (JWH-018), 1-butyl-3-(1-naphthoyl) indole (JWH-073), 1-[2-(4-morpholinyl) ethyl]-3-(1-naphthoyl)indole (JWH-200), 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497), and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 C8 homologue). This action is based on a finding by the Administrator that the placement of these synthetic cannabinoids into Schedule I of the CSA is necessary to avoid an imminent hazard to the public safety. As a result of this order, the full effect of the CSA and its implementing regulations including criminal, civil and administrative penalties, sanctions, and regulatory controls of Schedule I substances will be imposed on the manufacture, distribution, possession, importation, and exportation of these synthetic cannabinoids.

Common places of origin

Manufacturers of this product are not regulated and are often unknown since these products are purchased via the Internet whether wholesale or retail. Several websites that sell the product are based in China. Some products may contain an herb called damiana, which is native to Central America, Mexico and the Caribbean



FLORIDA FUSION CENTER



Unit Reporting: Office of Statewide Intelligence

Brief #: 12-150 Public

Date: 03/23/2012

Document Type:

BOLO

Brief

Criminal Indices Check

Situational Awareness

Request for Information

Synthetic Substances Ban

INTRODUCTION / OVERVIEW

The Florida Department of Law Enforcement (FDLE) is providing the following situational awareness brief addressing synthetic substances that are being marketed as “bath salts” and “spice / K2”. On March 23, 2012, Governor Rick Scott signed into law HB1175 and deemed these “synthetic substances” to be a significant threat of the health and public safety within the State of Florida. The below listed chemicals found in synthetic substances are now considered to be Schedule I drugs in which the purchase, possession, sale, and/or distribution can result in a felony arrest.

Synthetic drugs are among the latest in a series of synthetic substances that, when used improperly, offer alternatives to traditional illegal drugs. These powerful stimulant drugs, suspected as being produced as substitutes for ecstasy, cocaine, amphetamines, and marijuana, have been designed to avoid legal prosecution, and are commonly available on the Internet, specialty “smoke” shops and convenience stores. “Bath salts” and “synthetic cannabinoids” can be comprised of different regulated as well as unregulated chemical substances and are being sold under a variety of names or brands. The law enforcement community and medical professionals both indicate that “bath salts and synthetic cannabinoids” are becoming increasingly popular due to the perception that they pose a seemingly safer alternative to illegal methods of getting “high”, and can easily be obtained.



Figure I: Synthetic Bath Salts



Figure II: Synthetic Marijuana

STREET NAMES

The following is a sample of designer “bath salt” products associated with unregulated psychoactive substances that are potentially harmful:

- Ivory White
- Vanilla Sky
- Pure Ivory
- Whack
- Bolivian Bath
- Sextacy
- Gloom
- Purple Rain
- Hurricane Charlie
- Fly
- Purple Wave
- Charge+
- Ocean Burst
- Crush
- White Rush

The following is a sample of designer “**synthetic cannabinoid**” products associated with unregulated psychoactive substances that are extremely harmful:

- Mr. Nice Guy
- Spice Gold
- Yucatan Fire
- Red Nugz
- Smoke
- Genie
- Spice Silver
- Spice Gold
- Blue Majik
- Puff
- Ninja
- Dark Night
- K2
- King Krypto

TOXICITY & SIDE EFFECTS

“**Bath salt**” products are known to produce certain side effects, some of which are quite severe. The following is the list of milder, short-term side effects associated with consumption of this drug as reported by medical personnel:

- Increase heart rate
- Agitation
- Diminished requirement for sleep
- Lack of appetite
- Increased alertness and awareness
- Anxiety
- Fits and delusions
- Nosebleeds

More serious side effects associated with these drugs reportedly include:

- Muscle spasms
- Blood circulation problems, (including increased blood pressure)
- Kidney failure
- Seizures
- Risk of renal failure
- Hallucinations
- Aggression
- Severe paranoia
- Panic Attacks
- Sharp increase in body temperature

“**Synthetic Cannabinoids**” products are known to produce certain side effects, some of which are quite severe. The following is the list of milder, short-term side effects associated with consumption of this drug as reported by medical personnel:

- Headaches
- Agitation
- Vomiting
- Dangerous Hallucinations
- Loss of consciousness
- Elevated Blood Pressure
- Seizures
- Increased Heart Rate

Retailers and those in possession of “synthetic substances” who require assistance in their lawful disposal are asked to contact their local law enforcement agencies for assistance. Failure to comply with this emergency order can result in a felony arrest as punishable under 775.082, F.S.

The law enforcement community, as well as health care providers, can confirm the presence of the following chemicals contained within "synthetic drugs" which will produce the above psychoactive effects:

- BZP (Benzylpiperazine).
- Fluorophenylpiperazine.
- Methylphenylpiperazine.
- Chlorophenylpiperazine.
- Methoxyphenylpiperazine.
- DBZP (1,4-dibenzylpiperazine).
- TFMPP(3-Trifluoromethylphenylpiperazine).
- MBDB (Methylbenzodioxolylbutanamine).
- 5-Hydroxy-alpha-methyltryptamine.
- 5-Hydroxy-N-methyltryptamine.
- 5-Methoxy-N-methyl-N-isopropyltryptamine.
- 5-Methoxy-alpha-methyltryptamine.
- Methyltryptamine.
- 5-Methoxy-N,N-dimethyltryptamine.
- 5-Methyl-N,N-dimethyltryptamine.
- Tyramine (4-Hydroxyphenethylamine).
- 5-Methoxy-N,N-Diisopropyltryptamine.
- DiPT (N,N-Diisopropyltryptamine).
- DPT (N,N-Dipropyltryptamine).
- 4-Hydroxy-N,N-diisopropyltryptamine.
- N,N-Diallyl-5-Methoxytryptamine.
- DOI (4-Iodo-2,5-dimethoxyamphetamine).
- DOC(4-Chloro-2,5-dimethoxyamphetamine).
- 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).
- 2C-T-4(2,5-Dimethoxy-4-isopropylthiophenethylamine).
- 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).
- 2C-T(2,5-Dimethoxy-4-methylthiophenethylamine).
- 2C-T-2(2,5-Dimethoxy-4-ethylthiophenethylamine).
- 2C-T-7(2,5-Dimethoxy-4-(n)-propylthiophenethylamine).
- 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).
- Butylone(beta-keto-N-methylbenzodioxolylpropylamine).
- Ethcathinone.
- Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- Naphyrone (naphthylpyrovalerone).
- N-N-Dimethyl-3,4-methylenedioxcathinone.
- N-N-Diethyl-3,4-methylenedioxcathinone.
- 3,4-methylenedioxy-propiofenone.
- 2-Bromo-3,4-Methylenedioxypropiofenone.
- 3,4-methylenedioxy-propiofenone-2-oxime.
- N-Acetyl-3,4-methylenedioxcathinone.
- N-Acetyl-N-Methyl-3,4-Methylenedioxcathinone.
- N-Acetyl-N-Ethyl-3,4-Methylenedioxcathinone.
- Bromomethcathinone.
- Buphedrone (alpha-methylamino-butyrophenone).
- Eutylone(beta-Keto-Ethylbenzodioxolylbutanamine).
- Dimethylcathinone.
- Dimethylmethcathinone.
- Pentylone(beta-Keto-Methylbenzodioxolylpentanamine).
- (MDPPP)3,4-Methylenedioxy-alpha-pyrrolidinopropiofenone.
- (MDPBP)3,4-Methylenedioxy-alpha-pyrrolidinobutiophenone.
- Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- Benocyclidine(BCP)or benzothiophenylcyclohexylpiperidine (BTCP).
- Fluoromethylaminobutyrophenone (F-MABP).
- Methoxypyrrolidinobutyrophenone (MeO-PBP).
- Ethyl-pyrrolidinobutyrophenone (Et-PBP).
- 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).
- Methylethylaminobutyrophenone (Me-EABP).
- Methylamino-butyrophenone (MABP).
- Pyrrolidinopropiofenone (PPP).
- Pyrrolidinobutiophenone (PBP).
- Pyrrolidinovalerophenone (PVP).
- Methyl-alpha-pyrrolidinopropiofenone (MPPP).
- JWH-007(1-pentyl-2-methyl-3-(1-naphthoyl)indole).
- JWH-015(2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).
- JWH-019(Naphthalen-1-yl-(1-hexylindol-3-yl)methanone).
- JWH-020 (1-heptyl-3-(1-naphthoyl)indole).
- JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-yl)methanone).
- JWH-081(4-methoxynaphthalen-1-yl-(1-pentylindol-3-yl)methanone).

- JWH-122(1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).
- JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-indole).
- JWH-201(1-pentyl-3-(4-methoxyphenylacetyl)indole).
- JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-yl)ethanone).
- JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone).
- JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-yl)ethanone).
- JWH-251(2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-yl)ethanone).
- JWH-302(1-pentyl-3-(3-methoxyphenylacetyl)indole).
- JWH-398(1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- HU-211((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol).
- HU-308(((1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
- HU-331(3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-1,4-dione).
- CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-yl)methanone).
- CB-25(N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)- undecanamide).
- CB-52(N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)- undecanamide).
- CP55,940(2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol).
- AM-694(1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-iodophenyl)methanone).
- AM-2201(1-[(5-fluoropentyl)-1H-indol-3-yl]-(naphthalen-1-yl)methanone).
- RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).
- RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenylethanone).
- WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-234 naphthalenylmethanone).
- WIN55,212-3 ((3S)-2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-naphthalenylmethanone).

Any agency with additional information or new intelligence in reference to **synthetic substances**, should be forwarded to ensure proper tracking to establish trends. Please contact Inspector David Gross, (850) 410-8389, DavidGross@fdle.state.fl.us, or Crime Intelligence Analyst II Jason Still, (850) 410-8794, JasonStill@fdle.state.fl.us.

If you would like more information about this intelligence brief or if you have information that you would like posted in a bulletin, please contact the Florida Department of Law Enforcement at (850) 410-7645.

Send feedback comments or suggestions to: Fusionfeedback@fdle.state.fl.us (Please reference the Brief #).

Approval Authority: Assistant Special Agent in Charge Robert LeFiles, Office of Statewide Intelligence, FDLE

Source: Florida Department of Law Enforcement

Contact Information: Inspector David Gross, Office of Statewide Intelligence, FDLE

Source Reliability: Reliable Usually Reliable Unreliable Unknown
Content Validity: Confirmed Probable Doubtful Cannot be determined

Information Classification

For Official Use Only Law Enforcement Sensitive Contains Personal Identifier Information (PII)
 Public Contains Information on US Person or Lawful Permanent Resident (LPR)

| Exposure Date | Exposure Zip Code | Patient Age |
|---------------|-------------------|---------------------------|
| 6/21/2010 | | 18 YEARS |
| 6/21/2010 | | 18 YEARS |
| 7/20/2010 | 33710 | 23 YEARS |
| 8/13/2010 | 33756 | 28 YEARS |
| 8/21/2010 | 33755 | 17 YEARS |
| 10/5/2010 | 33701 | 17 YEARS |
| 10/9/2010 | | 17 YEARS |
| 10/24/2010 | 33770 | 22 YEARS |
| 10/28/2010 | 33707 | 15 YEARS |
| 11/6/2010 | 33706 | 18 YEARS |
| 11/24/2010 | 34695 | 20 YEARS |
| 11/29/2010 | 34695 | 20 YEARS |
| 11/30/2010 | 33772 | 17 YEARS |
| 12/4/2010 | 34695 | 18 YEARS |
| 12/16/2010 | | 35 YEARS |
| 12/31/2010 | 34695 | 19 YEARS |
| 1/11/2011 | 33744 | 70 YEARS |
| 1/21/2011 | 33701 | 14 YEARS |
| 2/19/2011 | 33770 | 20 YEARS |
| 2/28/2011 | 33701 | 19 YEARS |
| 3/2/2011 | 34698 | 34 YEARS |
| 3/9/2011 | | 14 YEARS |
| 3/12/2011 | | 18 YEARS |
| 4/13/2011 | 33701 | 19 YEARS |
| 5/9/2011 | | 49 YEARS |
| 5/14/2011 | 33755 | 14 YEARS |
| 5/10/2011 | 33770 | 60 YEARS |
| 5/29/2011 | | 21 YEARS |
| 6/10/2011 | 33755 | 26 YEARS |
| 6/13/2011 | 34695 | 16 YEARS |
| 6/22/2011 | 33755 | 50 YEARS |
| 6/25/2011 | | 41 YEARS |
| 6/26/2011 | 34684 | UNKNOWN ADULT (>= 20 YRS) |
| 7/9/2011 | | UNKNOWN CHILD (<= 19 YRS) |
| 7/11/2011 | | 16 YEARS |
| 7/16/2011 | 34695 | 41 YEARS |
| 7/22/2011 | | 18 YEARS |
| 7/26/2011 | 34695 | 18 YEARS |
| 8/31/2011 | | 41 YEARS |
| 9/3/2011 | 33710 | 16 YEARS |

| | | |
|------------|-------|---------------------------|
| 9/3/2011 | | 16 YEARS |
| 9/8/2011 | 33707 | 28 YEARS |
| 9/9/2011 | | 43 YEARS |
| 9/9/2011 | | 61 YEARS |
| 10/13/2011 | | 15 YEARS |
| 10/15/2011 | 34677 | UNKNOWN AGE |
| 10/23/2011 | | 9 YEARS |
| 10/23/2011 | | 10 YEARS |
| 10/26/2011 | 34695 | 23 YEARS |
| 10/29/2011 | | 30 YEARS |
| 10/29/2011 | | 15 YEARS |
| 11/1/2011 | | 29 YEARS |
| 11/1/2011 | 33771 | 15 YEARS |
| 11/8/2011 | 33770 | 25 YEARS |
| 11/9/2011 | 33776 | UNKNOWN ADULT (>= 20 YRS) |
| 11/14/2011 | 33701 | 24 YEARS |
| 11/28/2011 | | 35 YEARS |
| 11/29/2011 | | 25 YEARS |
| 12/3/2011 | | 28 YEARS |
| 12/2/2011 | | 16 YEARS |
| 12/4/2011 | | 15 YEARS |
| 12/9/2011 | 33701 | 13 YEARS |
| 1/2/2012 | | 39 YEARS |
| 1/2/2012 | 33755 | 15 YEARS |
| 1/2/2012 | 33755 | 16 YEARS |
| 1/22/2012 | 33707 | 22 YEARS |
| 1/26/2012 | 33774 | 16 YEARS |
| 1/26/2012 | 33774 | 17 YEARS |
| 2/6/2012 | 33701 | 33 YEARS |
| 2/8/2012 | | 15 YEARS |
| 2/13/2012 | | 26 YEARS |
| 2/16/2012 | 33771 | 24 YEARS |
| 2/18/2012 | 34689 | 27 YEARS |
| 2/21/2012 | | 20 YEARS |
| 3/13/2012 | 33771 | 18 YEARS |
| 3/16/2012 | | 31 YEARS |
| 3/17/2012 | | 24 YEARS |
| 3/20/2012 | | 22 YEARS |
| 3/24/2012 | | 14 YEARS |
| 4/5/2012 | | 23 YEARS |
| 4/12/2012 | | 17 YEARS |
| 4/12/2012 | | 20 YEARS |
| 4/16/2012 | | 20 YEARS |
| 4/29/2012 | | 13 YEARS |

5/2/2012

36 YEARS

5/21/2012

30 YEARS

Exposure Count=86

©2001-2010 Florida Poison Information
Center - Jacksonville

Category

- Adult Pleasures
- Vibrators & Dildos
- Lingerie
- Corsets
- Body & Bath
- Swim Wear
- Exotic Dancewear
- Hosiery
- Shoes
- Novelty
- Men's Products
- Desensitizers
- Meditational Potpourri
- Bonsai Fertilizer
- Kratom
- VicoZen
- 100% Natural Painkillers
- Enhancers
- Costumes
- Accessories
- Condoms
- Fetish

Manufacturer

- 7th midnight
- Bang Dancewear
- Body Zone
- Dreamgirls
- Elegant Moments
- Eltie Shoes
- Evolved
- FleshNight
- Icicles
- JC
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Kratomic Bomb
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VicoZen 2 oz. shot
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U.S. Food & Drug Administration

Inspections, Compliance, Enforcement, and Criminal Investigations

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Evol Nutrition Associates, Inc. 7/10/12



Department of Health and Human Services

Public Health Service
Food and Drug Administration
Atlanta District Office
60 Eighth Street N.E.
Atlanta, GA 30309

July 10, 2012

VIA UPS

Jeremy E. Nickels, Owner/CEO
Evol Nutrition Associates, Inc.
1075 Cobb International Place, Suite F
Kennesaw, GA 30152

WARNING LETTER (12-ATL-14)

Dear Mr. Nickels:

On July 13-29, 2011, the U.S. Food and Drug Administration (FDA) conducted an inspection of your dietary supplement manufacturing and distribution facility located at 1075 Cobb International Place in Kennesaw, GA. As part of the inspection, FDA collected product labels and samples of several of your products. We have also reviewed your firm's website, www.reddawnparty.com, and other Evol Nutrition Associates, Inc. websites where your products are marketed, including www.reddawndrink.com and www.evolnutrition.com. Your products "Sandman Party Powder Euphoric Drink Mix," "Sleep Walker Euphoria Awareness Enhancer," "Spark 4D Happy Caps," "GHRelease," "Zan-X Extra Relaxation," "Red Dawn Liquid," and "Mojo Nights" are unapproved new drugs under Sections 301(d) and 505(a) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. §§ 331(d) and 355(a)). In addition, "GHRelease," "Zan-X Extra Relaxation," and "Mojo Nights" are also misbranded under section 502 of the Act (21 U.S.C. § 352).

"Mojo Nights" Contains Undeclared PDE-5 Inhibitor Ingredient

Your firm distributes the sexual enhancement product "Mojo Nights." FDA confirmed through laboratory analysis that your "Mojo Nights" product contains undeclared tadalafil and sildenafil, the active pharmaceutical ingredients in Cialis and Viagra, respectively, both FDA-approved drugs used to treat erectile dysfunction (ED). According to section 201(ff)(3)(B) [21 U.S.C. § 321 (ff)(3)(B)], dietary supplements cannot contain an article that is approved as a new drug under section 505 of the Act unless that article was marketed as a dietary supplement or food prior to FDA approval of such drug. FDA approved Viagra as a new drug on March 27, 1998, and approved Cialis as a new drug on November 21, 2003. Sildenafil and tadalafil were not marketed as dietary supplements or as foods before these dates. As such, "Mojo Nights" is not considered a dietary supplement. This lot of your "Mojo Nights" also contained sulfotadalafil, sulfotadalafil, and hydroxythiohomosildenafil, all of which are phosphodiesterase type-5 (PDE-5) inhibitors and analogs of sildenafil or tadalafil, and none of which were declared on the product label for "Mojo Nights."

Your firm's sexual enhancement product "Mojo Nights" is labeled with claims that include, but are not limited to, the following:

"Jump start your sex drive"
"Give you powerful (sic) erections"
"stop pre-mature ejaculations"
"MojoNights increases the STRENGTH and POWER of your ERECTION."

These statements make clear that "Mojo Nights" is intended to affect the structure or any function of the body. Accordingly, this product is a drug, under section 201(g)(1)(C) of the Act [21 U.S.C. § 321(g)(1)(C)]¹ Moreover, "Mojo Nights" is a new drug as defined by section 201(p) of the Act [21 U.S.C. § 321(p)], because it is not generally recognized as safe and effective for use under the conditions prescribed, recommended, or suggested in its labeling. Under sections 301(d) and 505(a) of the Act [21 U.S.C. §§ 331(d) and 355(a)], a new drug may not be introduced or delivered for introduction into interstate commerce unless an FDA approved application is in effect for it. There is not an FDA approved application for "Mojo Nights." Your sale of this product without an approved application violates these provisions of the Act.

Furthermore, "Mojo Nights" is a prescription drug as defined in section 503(b)(1)(A) of the Act [21 U.S.C. § 353(b)(1)(A)], because, in light of its toxicity or potentiality for harmful effect, the method of its use, or the collateral measures necessary for its use, it is not safe for use except under the supervision of a practitioner licensed by law to administer it. "Mojo Nights" is a prescription drug because it contains several PDE-5 inhibitors; all PDE-5 inhibitors which have been approved for marketing by FDA are limited by an approved new drug application to use under the supervision of a practitioner licensed by law to administer them.

According to section 502(f)(1) of the Act [21 U.S.C. § 352(f)(1)], a drug is misbranded if, among other things, it fails to bear adequate directions for its intended use(s). "Adequate directions for use" means directions under which a layman can use a drug safely and for the purposes for which it is intended [21 CFR § 201.5]. Prescription drugs can be used safely only at the direction, and under the supervision, of a licensed practitioner. Therefore, it is impossible to write "adequate directions for use" for prescription drugs. FDA-approved prescription drugs which bear their FDA-approved labeling are exempt from the requirements that they bear adequate directions for use by a layperson [21 CFR § 201.100(c)(2) and

201.115]. Because there is no FDA-approved application for your firm's "Mojo Nights," its labeling fails to bear adequate directions for its intended use, causing it to be misbranded under section 502(f)(1) of the Act [21 U.S.C. § 352(f)(1)].

"Mojo Nights" is also misbranded under section 502(f)(2) of the Act [21 U.S.C. § 352(f)(2)] in that the product's labeling lacks adequate warnings for the protection of users. As noted, there is a potential for adverse events associated with this product, particularly since someone who takes it would be unaware of the presence of sildenafil, tadalafil, sulfosildenafil, sulfotadalafil, and hydroxythiohomosildenafil in your "Mojo Nights" product. The undeclared ingredients may interact with nitrates found in some prescription drugs, such as nitroglycerin, and may lower blood pressure to dangerous levels. Consumers with diabetes, high blood pressure, high cholesterol, or heart disease often take nitrates.

Under section 502(a) of the Act [21 U.S.C. § 352(a)], a drug is misbranded if its labeling is false or misleading in any particular. Section 201(n) of the Act [21 U.S.C. § 321(n)] provides that in determining whether an article's labeling or advertising "is misleading there shall be taken into account ... not only representations made or suggested ... but also the extent to which the labeling or advertising fails to reveal facts material in light of such representations ... " Your product, "Mojo Nights" is misbranded under section 502(a) of the Act because its labeling makes false and misleading statements regarding safety and fails to reveal material facts with respect to consequences that may result from the use of this product. Sildenafil, tadalafil, sulfosildenafil, sulfotadalafil, and hydroxythiohomosildenafil, contained in your "Mojo Nights," may pose serious health risks to consumers, which are only compounded by the fact that these ingredients are not declared on the product's label.

Accordingly, the introduction or delivery for introduction into interstate commerce of the misbranded products mentioned above violates section 301(a) of the Act [21 U.S.C. § 331(a)].

Street Drug Alternatives

In addition, several of your products, labeled as dietary supplements, are marketed as alternatives to illicit street drugs. These products include "Sandman Party Powder Euphoric Drink Mix," "Red Dawn Liquid," "Sleep Walker Euphoria Awareness Enhancer," and "Spark 4D Happy Caps." The following statements on your product containers or firm websites demonstrate that these products are intended as alternatives to illicit street drugs:

Sandman Party Powder Euphoric Drink Mix

"Euphoric Drink Mix"

"Sandman Party Powder is designed to heighten euphoric pleasure "

"I think the one little packet made me super "euphoric" for a total 8 hours."

Red Dawn Liquid

"It Gives you,
Energy,
Euphoria,
Happy
VERY social ... ! "

SleepWalker Euphoria Awareness Enhancer

"GREAT euphoria that last (sic) ALL day "

"Euphoria Awareness Enhancer"

"Dream on, enjoy having your head in the clouds"

Spark 4D Happy Caps

" 'Un'ergy' has never felt so Bliss."

"Forget about the 'Red' pill or the 'Blue' pill. Take the Green pill and enjoy the 41th Dimension."

Under section 201(ff) of the Act [21 U.S.C. § 321(ff)], dietary supplements are products that must be intended to supplement the diet. Street drug alternatives, i.e., products that claim to mimic the effects of recreational drugs, are not intended to supplement the diet and, as a result, cannot lawfully be marketed as dietary supplements.² See *United States v. Undetermined Quantities of Articles of Drugs*, 145 F. Supp. 2d 692 (D. Md. 2001). Accordingly, your products, "Sandman Party Powder Euphoric Drink Mix," "Red Dawn Liquid," and "SleepWalker Euphoria Awareness Enhancer," and "Spark 4D Happy Caps" as currently labeled are not dietary supplements under the Act.

"Sandman Party Powder Euphoric Drink Mix," "Red Dawn Liquid," "SleepWalker Euphoria Awareness Enhancer," and "Spark 4D Happy Caps" are drugs, as defined by section 201(g)(1) of the Act [21 U.S.C. § 321(g)(1)], because they are intended to affect the structure or any function of the body of man or other animals. Moreover, these products are new drugs, as defined by section 201(p) of the Act [21 U.S.C. § 321(p)], because they are not generally recognized as safe and effective for their labeled uses. Under sections 301(d) and 505(a) of the Act [21 U.S.C. §§ 331(d) and 355(a)], a new drug may not be introduced or delivered for introduction into interstate commerce unless an FDA-approved application is in effect for it. Your sale of "Sandman Party Powder Euphoric Drink Mix," "Red Dawn Liquid," "SleepWalker Euphoria Awareness Enhancer," and "Spark 4D Happy Caps" without approved applications violates these provisions of the Act.

Even if these products did not include street drug alternative claims, your products "Sandman Party Powder Euphoric Drink Mix," "Sleep Walker Euphoria Awareness Enhancer," and "Spark 4D Happy Caps" also cannot be dietary supplements because they contain 2-oxo-1-pyrrolidine acetamine, also known as piracetam. Your firm markets these piracetam-containing products as dietary supplements. However, these products are excluded from the definition of "dietary supplement" under section 201(ff)(3)(B)(ii) of the Act [21 U.S.C. § 321(ff)(3)(B)(ii)]. Piracetam is an article that has been authorized as an investigational new drug (IND) for which substantial clinical investigations have been instituted in the United States and the existence of such investigations have been made public. The results of at least two clinical studies conducted under authorized INDs were published in peer reviewed journals^{3,4}. In addition, there is no evidence that piracetam was marketed as a dietary supplement or a food prior to the authorization to investigate piracetam as a new drug. Therefore, a piracetam-containing product cannot be a dietary supplement under the Act.⁵

Moreover, your "Spark 4-D Happy Caps" contains the directions for use, "[L]et dissolve in mouth for quicker absorption." Your firm markets this product as a dietary supplement. However, the Act defines the term "dietary supplement" in section 201(ff)(2)(A)(i) of the Act [21 U.S.C. § 321(ff)(2)(A)(i)], as a product that is "intended for ingestion ." Because your product is intended to enter the body directly through the mucosal tissues, it is not a dietary supplement or food. Therefore, in addition to the street drug alternative claims and piracetam content mentioned above, as currently marketed, "Spark 4-D Happy Caps" cannot be a dietary supplement because it is not "intended for ingestion."

Other Unapproved New Drugs and Misbranded Drugs

Your firm promotes several other products including "GHRelease" and "Zan-X Extra Relaxation" with various disease claims that cause these products to be unapproved new drugs and misbranded drugs under the Act. The following statements on your website www.reddawnparty.com and product labels demonstrate that "GHRelease" and "Zan-X Extra Relaxation" are intended to treat or prevent certain diseases:

GHRelease

"This revolutionary product is formulated to help with insomnia "

Zan-X Extra Relaxation

"NO MORE INSOMNIA FOR ME!"

The product name "Zan-X" closely resembles, "Xanax," a well known prescription drug product to treat anxiety and panic disorders.

Your products "GHRRelease" and "Zan-X Extra Relaxation" are intended for use in the cure, mitigation, treatment, or prevention of disease. Accordingly, these products are drugs under Section 201(g)(1)(B) of the Act [21 U.S.C. § 321(g)(1)(C)]. Moreover, these products are new drugs as defined by section 201(p) of the Act [21 U.S.C. § 321(p)], because they are not generally recognized as safe and effective for use under the conditions prescribed, recommended, or suggested in their labeling.

Under sections 301(d) and 505(a) of the Act [21 U.S.C. §§ 331(d) and 355(a)], a new drug may not be introduced or delivered for introduction into interstate commerce unless an FDA approved application is in effect for it. There are no approved applications for "GHRRelease" and "Zan-X Extra Relaxation." Your sale of these products without approved applications violates these provisions of the Act.

In addition, because your products, including "GHRRelease" and "Zan-X Extra Relaxation" are offered for conditions, such as insomnia, anxiety, and depression that are not amenable to self diagnosis and treatment by individuals who are not medical practitioners, adequate directions cannot be written so that a layman can use these products safely for their intended uses. Thus, the labeling for "GHRRelease" and "Zan-X Extra Relaxation" fail to bear adequate directions for their intended uses, causing them to be misbranded under section 502(f)(1) of the Act [21 U.S.C. § 352(f)(1)]. Accordingly, the introduction or delivery for introduction into interstate commerce of "GHRRelease" and "Zan-X Extra Relaxation" violates section 301(a) of the Act [21 U.S.C. § 331(a)].

* * * *

We note that you appear to no longer market your "Vector Extra Party Enhancer" (hereinafter "Vector Pill"). However, FDA laboratory analysis of this product revealed that it contains, among other ingredients, 1-(4-*a*, *a*, *a*-trifluoro-*m*-tolyl)piperazine [trifluoromethylphenylpiperazine, TFMPP]. The product label, labeling, and your website www.reddawnparty.com/products/Vector-Pill.html included statements indicating that "Vector Pill" is intended as an alternative to an illicit street drug, such as "6-8 hours of ... rushes and euphoria." Continued sale of this product would cause it to be an unapproved new drug in violation of sections 301(d) and 505(a) of the Act [21 U.S.C. §§ 331(d) and 355(a)] and a misbranded drug under section 502 of the Act [21 U.S.C. § 352].

This letter is not intended to be an all-inclusive list of violations that may exist at your facility. It does not indicate that FDA conducted an all-inclusive review of all the products you manufacture and/or distribute. In particular, you need to ensure that all products you are selling do not contain undeclared ingredients. It is your responsibility to ensure that the products you market are safe. Likewise, you are responsible for ensuring that your firm is operating in compliance with all requirements of the Act and pertinent FDA regulations, such as the dietary supplement regulations (21 CFR Part 111). You may find copies of the Act and pertinent regulations through links on FDA's homepage at www.fda.gov¹.

We acknowledge receipt of the August 2, 2011, letter from (b)(4) representatives responding on your behalf. The response indicates that your firm is no longer manufacturing Red X Dawn "Dream Weaver Sleep Enhancer," and that the remaining product has been destroyed. The response, however, did not include documentation of the products' destruction nor does it indicate whether your firm initiated a recall of the "Dream Weaver Sleep Enhancer" product that been distributed to your customers.

You should take prompt action to correct all of the violations noted in this letter and establish and implement procedures that will prevent these and other violations in the future. Failure to implement lasting corrective actions may result in FDA taking regulatory action, such as seizure or injunction, without further notice.

Please respond to this office in writing within 15 working days from your receipt of this letter. In your response, identify the steps you have taken or will take to correct the above noted violations and prevent similar ones. In your response, please include the timeframe in which the corrections will be completed and provide any documentation that will effectively assist us in evaluating whether the corrective actions have been made and the adequacy of such. If you are unable to complete the corrective actions within 15 working days, identify the reason for the delay and the time within which you will complete the corrections.

Your written response should be sent to the U.S. Food and Drug Administration, Attn: Lakisha N. Morton, Compliance Officer., at the address noted in the letterhead. If you have questions, please contact Mrs. Morton at 404-253-1285 or write her at the noted address.

Sincerely,

/S/

John R. Gridley
District Director
Atlanta District Office

¹ As noted, in addition to sildenafil and tadalafil, "Mojo Nights" also contains sulfosildenafil, sulfotadalafil, and hydroxythiohomosildenafil, all of which are phosphodiesterase type-5 (PDE-5) inhibitors and analogues of sildenafil or tadalafil. Under section 201(g)(1) of the Act (last sentence), the structure/function claims made for a dietary supplement must be made in accordance with section 403(r)(6) of the Act [21 U.S.C. § 343(r)(6)] or the product is subject to regulation as a drug. Section 403(r)(6) authorizes claims that describe the role of a nutrient or dietary ingredient intended to affect the structure or function of the body, or that characterize the way in which a nutrient or dietary ingredient maintains the structure or function of the body. However, the structure/function claims quoted above for "Mojo Nights" do not describe the effects of nutrients or dietary ingredients in the product. Rather, the claims are made for the product as a whole and relate to its sildenafil, tadalafil, sulfosildenafil, sulfotadalafil, and/or hydroxythiohomosildenafil content. Since sildenafil, tadalafil, sulfosildenafil, sulfotadalafil, or hydroxythiohomosildenafil are not nutrients or dietary ingredients as defined in section 201(ff)(1) of the Act [21 U.S.C. § 321(ff)(1)], but instead are active pharmaceutical ingredients or analogues of active pharmaceutical ingredients, the claims about improvement of sexual function do not conform to section 403(r)(6) of the Act [21 U.S.C. § 343(r)(6)]. Accordingly, "Mojo Nights" is a drug within the meaning of section 201(g)(1)(C) of the Act [21 U.S.C. § 321(g)(1)(C)].

² In March of 2000, FDA made available a guidance for industry on street drug alternatives. This document contains additional information and is available at <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM070343.pdf>².

³ Pranzatelli, M.R., Tate, E.D., Galvin, I., and Wheeler, A. (2001). Controlled Pilot Study of Piracetam for Pediatric Osoclonus-Myoclonus. *Clinical Neuropharmacology*, 24(6), 352-357.

⁴ Kampman, K.M., et al. (2003). A pilot trial of piracetam and ginkgo biloba for the treatment of cocaine dependence. *Addictive Behaviors*, 28(3), 437-448.

⁵ In addition, piracetam does not meet the definition of a dietary ingredient under section 201(ff)(1)(A-F) of the Act [21 U.S.C. § 321(ff)(1)(A-F)] in that it is not a vitamin, a mineral, an herb or other botanical, an amino acid, or a dietary substance for use by man to supplement the diet by increasing the total dietary intake. Additionally, piracetam is not a concentrate, metabolite, constituent, extract, or combination of a dietary ingredient.

Links on this page:

1. <http://www.fda.gov>
2. <http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/UCM070343.pdf>

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