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## Florida Man Accused of Selling Counterfeit J&J Diabetes-Care Products Pleads Guilty

By **PETER LOFTUS**

PHILADELPHIA—A Florida man accused of selling fake and potentially dangerous versions of Johnson & Johnson (JNJ) diabetes-care products pleaded guilty Monday to criminal charges.

Jacques Duplessis, 61 years old, pleaded guilty to introducing misbranded medical devices into interstate commerce and entry of goods into the U.S. by means of false statements, at a hearing in U.S. District Court in Philadelphia.

The U.S. Attorney's office in Philadelphia accused Mr. Duplessis of importing about 6,000 boxes of fake J&J OneTouch diabetes test strips from suppliers in the U.S. and China and selling them to wholesalers in the U.S. in 2006. The Boynton Beach, Fla., resident operated the medical-products distribution companies America's Premier Supplier Corp. and Royal Global Wholesale Corp.

Diabetes test strips are used with meters to monitor blood-sugar levels. Fake strips can give inaccurate readings, which can be life-threatening if they cause patients to take too much or too little insulin.

Nancy Rue, an assistant U.S. Attorney, told U.S. District Judge Berle M. Schiller that the products imported by Mr. Duplessis didn't work properly, which "made these things dangerous."

Mr. Duplessis' guilty plea

resulted from a negotiated plea agreement with prosecutors. The government has agreed to dismiss certain other charges against Mr. Duplessis at his sentencing, which is scheduled for October. The original set of charges brought against Mr. Duplessis last year included mail fraud and trafficking in counterfeit goods.

Mr. Duplessis faces a maximum sentence of three years in prison and \$350,000 in fines, plus restitution the judge may order.

Ms. Rue said the amount of restitution is up to \$127,000, which would be paid to customers who purchased the fake test strips. Sentencing guidelines may call for a lesser prison term. Because Mr. Duplessis is a Canadian citizen, he also is subject to potential deportation proceedings, said Ms. Rue.

Stuart Patchen, defense attorney for Mr. Duplessis, told Judge Schiller that Mr. Duplessis "did not know these were counterfeit strips." Mr. Duplessis has previously said in a court document that he was deceived by his supplier.

Mr. Patchen said after the hearing his client did not wish to comment.

J&J has waged an aggressive, global manhunt for the sources and distributors of the fake OneTouch test strips since they were found in U.S. pharmacies in 2006. The company has said in court documents the coun-

terfeiting ring stretched from China to Pakistan to the U.S.

J&J has seized thousands of boxes of the fake products, secured civil monetary settlements with several alleged participants in the counterfeiting ring and worked with law-enforcement authorities in several countries to track down culprits.

J&J doesn't break out sales for OneTouch products, but they are part of a diabetes-care division that generated \$2.65 billion in sales for 2011.

Mr. Duplessis is believed to be the first person in the U.S. to face criminal charges arising from the case. Criminal charges also have been brought in China against other people allegedly involved in the scheme. One Chinese businessman was sentenced in 2007 by a Shanghai court to serve 3 1/2 years in prison for distributing fake OneTouch test strips, according to J&J.

In a statement Monday, Roy Albiani, global director of brand protection in J&J's medical-device unit, said "We hope that the defendant's plea of guilty for his role in introducing counterfeit OneTouch diabetes test strips into the U.S. will act as a future deterrent to those that would compromise patient health and safety."

J&J said no counterfeit OneTouch test strips have been detected in the U.S. market since it began tracking down the counterfeiters.