

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2010 FEB -9 PM 2:27

GREGORY C. LANGHAM
CLERK

Criminal Action No. *10-MJ-01026 MJW*

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JASON KAY,

Defendant.

BY _____ DEP. CLK

**INFORMATION
Title 21, United States Code, Section 331(k)**

The United States Attorney charges:

**COUNT ONE
21 U.S.C. § 331(k) and 18 U.S.C. § 2
(Adulteration and Removal of the Labeling of a Food While Held for Sale)**

In or about January 2010, in the State and District of Colorado, defendant

1. JASON KAY,

did remove and adulterate the labeling of a food, to wit: the label on a bottle of Gatorade, while such article was held for sale after shipment in interstate commerce and which resulted in such article being misbranded.

All in violation of Title 21, United States Code, Section 331(k).

DAVID M. GAOUILTE
United States Attorney



By: Jaime A. Peña
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DEFENDANT: JASON KAY

YOB:

ADDRESS:

COMPLAINT FILED? YES NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: 10- MJ-01002-KMT
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? YES NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: COUNT ONE: Title 21, United States Code, Section 331(k)-Adulteration and Removal of the Labeling of a Food while Held for Sale.

LOCATION OF OFFENSE (COUNTY/STATE): State and District of Colorado

PENALTY: COUNT ONE: NMT 1 year imprisonment, NMT \$1,000 fine, or both; \$10 Special assessment fee

AGENT: Dan Burke, Special Agent
U.S. Food and Drug Administration
Office of Criminal Investigations

AUTHORIZED BY: Jaime Peña
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

five days or less over five days other

THE GOVERNMENT

will seek detention in this case will **not** seek detention in this case

The statutory presumption of detention is **not** applicable to this defendant.

OCDETF CASE: Yes No