

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BROOME

PEOPLE OF THE STATE OF NEW YORK, by
ERIC T. SCHNEIDERMAN, Attorney General of the
State of New York,

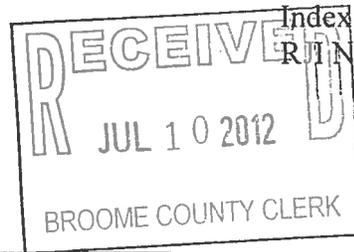
Petitioner,

AFFIRMATION

-against-

THOMAS J. LYNCH,
D/B/A ROLLING FIRE GLASSWORKS,

Respondent.



Index No.: 2012-1631
RJINo.: 2012-0850-M

MICHAEL J. DANAHER, JR., an attorney duly admitted to practice law in the
State of New York, affirms the following under the penalties of perjury:

1. I am an Assistant Attorney General in the office of Eric T. Schneiderman,
Attorney General of the State of New York (OAG), assigned to the Binghamton Regional
Office. I am fully familiar with the facts and circumstance of this proceeding, which are
based on investigative materials contained in the files of the Attorney General's office.

2. I submit this Affirmation in support of Petitioner's application for an
Order and Judgment permanently enjoining Respondent from engaging in deceptive,
fraudulent and illegal business practices, requiring that Respondent produce an
accounting of mislabeled and misbranded products sold and awarding penalties and costs
to the State of New York

3. Unless otherwise indicated, I make this affirmation upon information and
belief, based upon my investigation, a review of documents and other evidence on file

with the Department of Law. Annexed hereto in support of this petition are the following documents:

- Exhibit 1 Affidavit of Senior Investigator Chad Shelmidine, sworn to July 3, 2012, together with Exh. A-K.
- Exhibit 2 Affidavit of Dr. Maja Lundborg-Gray, M.D., FAAEM, FACEP, sworn to on July 5, 2012, together with Exh. A-G.
- Exhibit 3 Federal Directives and Bulletins and New York State Department of Health Order for Summary Action

INTRODUCTION

4. This case is brought in response to the proliferation of “designer drugs” that are being marketed and offered for sale to New York consumers. Designer drugs, referred to as “street drug alternatives” by the federal Food and Drug Administration (“FDA”), generally have one or more of the following characteristics. They typically are (i) “manufactured, marketed, or distributed as alternatives to illicit street drugs;” (ii) “intended to be used for recreational purposes to effect psychological states (e.g. to get high, to promote euphoria, or to induce hallucinations,” and/or iii) claim to have effects on the user that “mimic the effects of controlled substances.” See Exhibit 3, annexed hereto, pp. 3-4 (FDA Guidance for Industry Street Drug Alternatives).

5. It is indisputable that the growth in the market for designer drugs and other street drug alternatives poses a danger to the American population. See Exhibit 2, annexed hereto, Affidavit of Maja Lundborg-Gray, M.D., FAAEM, FACEP, sworn to on July 5, 2012, (“Lundborg-Gray Aff.”), ¶3. Users of these products can experience severe health effects, some resulting in long-term disability or even death. See Exhibit 2, Lundborg-Gray Aff., ¶5-15.

6. Selling products for human consumption that are insufficiently labeled or mislabeled is inherently dangerous. Consumers cannot make informed decisions about the safety of the products they purchase and without knowing what drugs or substances people have ingested, medical personnel are hindered in their ability to provide immediate and appropriate medical care. See Exhibit 2, Lundborg-Gray Aff., ¶¶2-3. The FDA also considers any product that is promoted as a street drug alternative to be an unapproved new drug and a misbranded drug in violation of sections 505 and 502 of the Federal Food, Drug, and Cosmetic Act. See Exhibit 3, p.3, annexed hereto

7. To combat the problem of designer drugs, law enforcement authorities have been acting to include designer drugs within the list of prohibited controlled substances. For example, in 2011 the United States Drug Enforcement Administration (“DEA”) used its emergency scheduling authority to temporarily ban three synthetic stimulants, Mephedrone, 3,4-methylenedioxypropylamphetamine (MDPV) and Methyone, chemicals that serve as the active ingredient in the substance popularly known as “bath salts.” See Exhibit 3, at p.5 (“DEA Moves to Emergency Control Synthetic Stimulants; Agency Will Study Whether To Permanently Control Three Substances,” September 7, 2011).

8. In March of 2011 and June of 2012, the DEA also implemented emergency bans on numerous formulas of synthetic cannabinoids, also known as “fake pot” products. See Exhibit 3, p.7, (“Chemicals Used in ‘Spice’ and ‘K2’ Type Products Now Under Federal Control and Regulation DEA Will Study Whether To Permanently Control Five Substances,” March 1, 2011). See also Exhibit 3, p.9 (“Congress Agrees to Add 26 Synthetic Drugs to Controlled Substances Act,” June 19, 2012).

9. As of this date, both houses of the federal legislature have passed “H.R. 1254: Synthetic Drug Control Act of 2011,” which would permanently classify 26 additional synthetic chemicals (including “bath salts” and synthetic marijuana analogues) as prohibited substances. See Exhibit 3, pp.11-13 (H.R. 1254: “Synthetic Drug Control Act of 2011, 112th Congress, 2011–2012. Text as of Dec 8, 2011). The bill is awaiting the President’s signature

10. The New York legislature has also taken action to ban these substances. In 2011, the Public Health Law was amended to prohibit the sale of bath salts containing certain chemicals - - 4-Methylmethcathinone, also known as Mephedrone and Methylenedioxypropylvalerone, also known as MDPV - - which are known to have hallucinogenic effects. Public Health Law § 3306

11. Earlier this year, State Health Commissioner Nirav Shah issued an order of summary action banning the sale of synthetic marijuana products in New York State. These substances, generally referred to as “synthetic marijuana,” consist of plant material coated by chemicals that mimic THC, the active ingredient in marijuana. These products are being sold as a “legal alternative” to marijuana in head shops, convenience stores, smoke shops, and tobacco stores with brand names such as “Spice,” “K2,” “Mr. Nice Guy,” and “Galaxy Gold.” The order states that “synthetic cannabinoids have been linked to severe adverse reactions, including death and acute renal failure, and commonly cause: tachycardia (increased heart rate); paranoid behavior; agitation and irritability; nausea and vomiting; confusion; drowsiness; headache; hypertension; electrolyte abnormalities; seizures; and syncope (loss of consciousness).” The Commissioner's order

called for sales and distribution of these products to cease immediately. See Exhibit 3, pp.15-22, annexed hereto (Order for Summary Action, dated March 28, 2012).

12. Nonetheless, the problem of designer drugs persists, because manufacturers have been misbranding products to disguise their intended use. In addition, manufacturers rapidly change the synthetic formulation of prohibited compounds without disclosing content, allowing them to circumvent lists of controlled substances. As one early “designer drug” chemist explained:

When a new type of active compound is discovered in pharmaceutical-chemical research, whether by isolation from a plant drug or from animal organs, or through synthetic production as in the case of LSD, then the chemist attempts, through alterations in its molecular structure, to produce new compounds with similar, perhaps improved activity, or with other valuable active properties. We call this process a chemical modification of this type of active substance. Of the approximately 20,000 new substances that are produced annually in the pharmaceutical-chemical research laboratories of the world, the overwhelming majority are modification products of proportionally few types of active compounds.

See Albert Hofmann, LSD: My Problem Child, p. 12 (1980), cited in Kau, Flashback to the Federal Analog Act of 1986, 56 U. Pa. L. Rev. at 1084 (2008) See Exhibit 3, pp.23-47, annexed hereto

13. In response to this growing problem, the Attorney General commenced a statewide investigation focusing deceptive and illegal labeling of designer drugs (“the Investigation”). The Investigation revealed that there is widespread sale of designer drugs and street drug alternatives at these establishments, which are deceptively marketed as innocuous products such as “incense,” “glass cleaner,” “bath salts,” “potpourri,” “sachets,” “dietary supplements,” or other common household products. Furthermore,

nitrous oxide, a deadly “party” gas which is illegal to sell at retail to the public in New York State was being offered for sale at nearly every location that was investigated.

14. The Attorney General's Investigation revealed that that (i) the labeling of these designer drugs is insufficient, often omitting manufacturer information, product content, and/or safety and health risks associated with product use, (ii) the labeling on these designer drugs falsely describes their intended uses, (iii) head shops sell products that are labeled “not for human consumption,” with accoutrement that can only be used for one purpose - human consumption, (iv) head shops promote and encourage the ingestion and/or inhalation of products that are labeled “not for human consumption” or that are not approved for human consumption ,and (v) head shops are selling nitrous oxide in violation of New York State Law.

FACTS

15. Since at least 2008, Respondent has owned and operated “Rolling Fire Glassworks,” a retail outlet that is commonly known as “head shop.” Webster’s dictionary defines a head shop as “a shop specializing in articles (such as pipes and roach clips) of interest to drug users.” As set forth below, Rolling Fire Glassworks offers for sale and sells designer drugs, drug paraphernalia used for consumption of cannabis and other recreational drugs, as well as accoutrements such as pipes, “crackers” and balloons. See Exhibit 1 annexed hereto, Affidavit of Senior Investigator Chad Shelmidine (hereinafter “Shelmidine Aff.”), sworn to July 3, 2012, ¶¶ 16 and 26-29 and Exhibit D.

16. On May 15, 2012 and May 23, 2012, Inv. Shelmidine visited Rolling Glass Fireworks posing as a consumer interested in purchasing merchandise. See Exhibit 1, Shelmidine Aff. ¶ 4.

17. Investigator Shelmidine purchased five products: 1) a green leafy substance appearing to resemble marijuana packaged in a clear plastic baggie, 2) Blaze It, 3) PEP Fly Agaric Mushrooms, 4) XXX Platinum nitrous oxide, and 5) Kratom Zone. See Exhibit 1, Shelmidine Affidavit, ¶¶ 9, 12, 14, 17 and 32.

18. These products constitute drugs because they are “articles [other than food] intended to affect the structure or any function of the body of man or animals.” New York Education Law [hereinafter Educ. Law] §6802.

VIOLATION OF AGRICULTURE AND MARKETS LAW § 194

19. Agriculture and Markets Law (“Ag. & Mkts.”) § 194 proscribes false labels on commodities sold, offered or exposed for sale, or any false description respecting the number, quantity, weight, or measure. Commodities include non-prescription drugs. Ag. & Mkts. Law § 191(1)(b)(4).

20. Respondent repeatedly sells mislabeled commodities in violation of Ag. and Mkts. Law § 194. The following products are mislabeled because they fail to include the name and/or address of the manufacturer, packer or distributor:

- a. Green Leafy Substance appearing to resemble marijuana packaged in a clear plastic baggie. See Exhibit 1, Shelmidine Aff. ¶ 11 and Exhibit B annexed thereto.
- b. Blaze It. See Exhibit 1, Shelmidine Aff. ¶ 13 and Exhibit C annexed thereto.
- c. PEP Fly Agaric Mushrooms. See Exhibit 1, Shelmidine Aff. ¶ 17 and Exhibit E annexed thereto.
- d. XXX Platinum nitrous oxide. See Exhibit 1, Shelmidine Aff. ¶ 25 and Exhibit B annexed thereto.
- e. Kratom Zone. See Exhibit 1, Shelmidine Aff. ¶ 30 and Exhibit H annexed thereto.

21. In addition, the package for the green leafy substance appearing to resemble marijuana fails to provide any information about the product’s identity

(common or usual name, description, generic term) and consequently constitutes an additional infraction of the Ag. & Mkts. labeling requirements. See Exhibit 1, Shelmidine Aff., ¶ 11, and Exhibit B annexed thereto.

VIOLATION OF EDUCATION LAW § 6815

22. Educ. Law § 6815 proscribes misbranding of drugs. A drug is misbranded if the label contains false or misleading information about the product, fails to contain manufacturer information, fails to conspicuously place required information so that it is easily readable by ordinary individuals under customary conditions and purchase and use, fails to bear adequate directions for use, lacks adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, lacks warnings against unsafe dosage or methods of use, imitates another drug or the trademark, label, container or identifying name or design of another drug, or if the product is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling. Educ. Law § 6815(2)(a)-(i)

23. Respondent has repeatedly sold misbranded drugs in violation of Educ. Law § 6815.

24. The green leafy substance resembling marijuana packaged in the clear plastic baggie is misbranded because it fails to bear a label containing the name of and place of business of the manufacturer, packer or distributor. See Exhibit 1, Shelmidine Aff., ¶ 11. The green leafy substance is also misbranded because the label fails to identify the product and potential health effects that may resulting from customary and usual use of this drug. See Exhibit 1, Shelmidine Aff., Exhibit B. It also fails to contain an

accurate statement of the quantity of the contents. It also fails to contain any directions for use, including dosage, frequency or duration.

25. The Blaze It is misbranded because the label fails to disclose the name of and place of business of the manufacturer, packer or distributor. See Exhibit 1, Shelmidine Aff., ¶ 13 and Exhibit C annexed hereto. Additionally, the label and directions for use are misleading because, although the label states that the product is "FOR USE AS AN AROMATHERAPY INCENSE ONLY," this drug is customarily and usually promoted as one to be smoked for an intoxicating effect. Indeed, Respondent's clerk informed Inv. Shelmidine that he could use a "pipe" to smoke the product. See Exhibit 1, Shelmidine Aff., ¶¶ 15 and 16. The label also fails to identify the potential health effects that may result from customary and usual use of this drug.

26. P.E.P. Fly Agaric Mushrooms are misbranded because the label fails to disclose the name of and place of business of the manufacturer, packer or distributor. See Exhibit 1, Shelmidine Aff., Exhibit E. In addition, the label and directions for use are misleading. Though the label identifies the product as a botanical/horticultural/herbarium specimen" and states that the product is "not intended for human consumption," this drug is customarily and usually promoted as one to eat by the user to produce an intoxicating effect. Respondent's clerk explained about the mushrooms: "...you gotta eat a lot of them but they do pretty nice." See Exhibit 1, Shelmidine Aff., ¶ 17.

27. The box of XXX Platinum nitrous oxide chargers is misbranded because the label fails to disclose the name and address for the manufacturer, distributor or packer. See Exhibit 1, Shelmidine Aff., ¶ 25 and Exhibit G annexed thereto. Furthermore, although the package contains the warning that the product "should be used

for food preparation only" and cautions to not inhale to contents, the warnings appear on the side of the box with other information regarding contents. Thus, the warnings are not prominently and conspicuously placed and can be easily overlooked. Furthermore, the warnings fail to clearly and conspicuously disclose that nitrous oxide can cause not only health problems, but also accidents and death. See Exhibit 2, Dr. Lundborg-Gray Aff., ¶ 15.

28 Finally, the label also states that nitrous oxide chargers may not be sold to persons under 18. This statement is false and misleading because in New York State, nitrous oxide chargers can not be sold at retail without any exemption, and under no circumstances may a nitrous oxide charger be sold to a person under age 21.

29. Kratom Zone is misbranded because the label does not identify the place of business of the manufacturer, packer or distributor. Moreover, the label does not identify the potential health effects from customary and usual use of this drug, which may include anything from sedation or stimulant effects to psychosis, hallucinations, delusion and confusion. See Exhibit 1, Shelmidine Aff., Exhibit H and Exhibit 2, Dr. Lundborg-Gray Aff., ¶ 10.

VIOLATION OF PUBLIC HEALTH LAW

30. Respondent has sold nitrous oxide to the public in violation of Public Health Law § 3380.

31. Respondent offers for sale and sells nitrous oxide chargers, "crackers" and balloons at his establishment. See Exhibit 1, Shelmidine Aff., ¶¶ 23-29. Inv. Shelmidine purchased a box of twenty-four nitrous oxide chargers. In purchasing that product, respondents clerk asked Inv. Shelmidine if he needed a "cracker" or a balloon. A cracker

is used to break the charger and a balloon is used to capture the gas in order to inhale the drug. The clerk proceeded to search the store for a cracker and a balloon, but was unable to locate one. He called someone on the telephone and asked the person where the crackers and balloons were kept. During the conversation, the clerk stated, "unless someone came in and had a party and wiped us out." See Exhibit 1, Shelmidine Aff. ¶28. Respondent therefore had knowledge of Inv. Shelmidine's intended use of the product, and attempted to provide him with the delivery devices for the product.

DECEPTIVE ACTS AND PRACTICES

32. Respondent repeatedly offers for sale and sells products for consumer use that are, in fact, misbranded and mislabeled drugs. The products are marketed in misleading packaging that fails to disclose the required information, including manufacturer and distributor information, product ingredients and/or potential health risk with customary use. See Exhibit 1, Shelmidine Aff., Exhibits B,C,E,G and H.

33. Respondent repeatedly offers for sale and sells products for human consumption even though the labeling contradicts that use. See Exhibit 1, Shelmidine Aff., ¶¶ 13,17 and 25.

34. Respondent deceptively markets and sells an illegal product as legal, e.g. the retail sale of nitrous oxide to the public. See Exhibit 1, Shelmidine Aff., ¶¶21-24.

NEED FOR TEMPORARY RESTRAINING ORDER

35. The evidence submitted by the Attorney General, including the Affidavit of Senior Investigator Chad Shelmidine dated July 3, 2012, with Exhibits and the Affidavit of Dr. Maja Lundborg-Gray, dated July 5, 2012, with exhibits, clearly

demonstrates that Respondents are fraudulently and illegally selling misbranded and mislabeled designer drugs and that these drugs present serious harm to the public.

36. Without a temporary restraining order prohibiting Respondent from selling misbranded and mislabeled drugs, there is a great likelihood that Respondent will, in fact, continue to sell these products and that these sales will result in irreparable injury to individuals who consume these products.

37. Petitioner has notified Respondents of its intent to seek this relief pursuant to Section 202.7(f) of the Uniform Rules of the Trial Courts.

38. There has been no previous application for the relief requested herein.

CONCLUSION

39. Respondent continues to engage in deceptive, fraudulent and illegal acts set forth in this affirmation and petition and unless enjoined, will continue to engage in those acts. The Attorney General is bringing this action to force compliance with State labeling and consumer protection laws. Transparency in the labeling and sale of these dangerous products will permit the appropriate regulating authorities to deal with the products for what they truly are: Drugs. With that transparency can be real debates as to the products' safety, risks, quality control, and until such time, these dangerous products must be removed from the shelves.

WHEREFORE, it is respectfully requested that the relief requested in Petitioner's Verified Petition be granted, together civil penalties and costs as set forth by statute, and with such other and further relief as this Court deems just and proper.

Dated: Binghamton, New York
July 9, 2012


MICHAEL J. DANAHER, JR.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BROOME

PEOPLE OF THE STATE OF NEW YORK, by
ERIC T. SCHNEIDERMAN, Attorney General of the
State of New York,

Petitioner,

AFFIDAVIT

-against-

THOMAS J. LYNCH,
D/B/A ROLLING FIRE GLASSWORKS,

Respondent.

STATE OF NEW YORK)
COUNTY OF JEFFERSON) SS:

Chad Shelmidine, being duly sworn, deposes and says:

1. I am a Senior Investigator employed by the Office of New York State Attorney General Eric T. Schneiderman.
2. The facts set forth in this affidavit are the results of an investigation I have performed in the course of my job duties.
3. All statements are based upon my personal knowledge and investigation.
4. On May 15, 2012, at approximately 12:00 p.m., I made an investigative visit to the store 'Rolling Fire Glassworks' located at 300 North Nanticoke Ave, Endicott, New York.
5. Rolling Fire Glassworks is a registered DBA for Thomas J. Lynch with the County of Broome. Annexed hereto as Exhibit A is a copy of the Business Certificate filed in the Broome County Clerk's Office on April 24, 2008.

6. As I entered the store there were two male store clerks working. One was behind a display counter near the cash register and the other appeared to be cleaning.
7. As I was browsing the store, a third male employee entered the store, and the clerk near the cash register told him to "get to work."
8. I approached the counter near the cash register and spoke with one of the male clerks who was in his mid to late 20's, approximately 5 feet 11 inches, approximately 170 pounds, with tattoos on both arms.
9. I said to the clerk that I was aware some stuff was recently banned, and I couldn't use anything illegal, but I was curious if he had anything else. He reached under the counter, in an area not visible to customers, and pulled out a small clear plastic baggie containing a green leafy substance appearing to resemble marijuana. Annexed hereto as Exhibit B are photographs of the item.
10. I asked him how much it cost. He said it was "Thirty dollars for two grams." He then said "We just got this yesterday" (pointing to the clear plastic baggie). He said he received a call from his supplier telling him about the new product. He told them he couldn't sell it because of the ban. They told him it was an "All natural blend." He then said that they told him "Dude, it's legal in fucking New York State, I swear to god." So he told them "Alright, send us some." He said they sent him "Fifty grams, and its pretty fucking awesome, so we're going to get more I think."
11. The clear plastic baggie does not contain any written information; it lacks the name and place of business for the manufacturer, packer or distributor, statement of the quality of the contents, adequate directions for use, adequate warnings or other information. (The only writing on the baggie in the photograph (Exhibit B) is the marking I made with a black marker indicating my initials, date and time of purchase.)

12. The clerk reached under the counter again and pulled out a black plastic package with the words "Blaze It" on the front. He said it was "The first all-natural blend we got." He said "It's alright, I don't think it tastes very good. And you definitely gotta smoke a good amount of it to get high." Annexed hereto as Exhibit C are photographs of the Blaze It package.
13. The Blaze It package does not identify the name and place of business of the manufacturer, packer or distributor. It does contain a notice in a blocked section in bold, capital print: "**FOR USE AS AN AROMATHERAPY INCENSE ONLY**"
14. I told him I would try both items, the clear plastic baggie containing the green leafy substance and the Blaze It.
15. I then asked him what he would recommend for a piece to use with both items. I understand a 'piece' to be a pipe or other type of device used to smoke with.
16. The clerk said, "A metal pipe, or like a one hitter." He then took some keys from behind the counter and walked over to a display case containing various pipes. He unlocked the display case removed a small gold and purple pipe. I told him I would take it. Annexed hereto as Exhibit D are photographs of the pipe that the clerk picked out.
17. As we walked back to where the cash register was. I noticed a display of "P.E.P. Fly Agaric Mushrooms" I asked the clerk, "How are those mushrooms?" He responded "Um, you gotta eat a lot of them but they do pretty nice." I told him I would try a package of those, too. Annexed hereto as Exhibit E are photographs of the package for P.E.P. Fly Agaric Mushrooms.
18. The clerk rang me up for the above items. My total came to \$136.08. I paid with a credit card and was given a receipt by the clerk. Annexed hereto as Exhibit F is a copy of the credit card receipt for the purchase of all the items.

19. On May 23, 2012, at approximately 11:00 a.m., I made a second investigative visit to the store 'Rolling Fire Glassworks' located at 300 North Nanticoke Ave, Endicott, New York.
20. As I entered the store there was one clerk working behind a display counter near the cash register. I recognized this clerk as the individual I previously purchased items from at this location on May 15, 2012.
21. I asked the clerk if he had any "nitrous."
22. I understand "nitrous" to be short for nitrous oxide.
23. The clerk said yes and asked if I wanted a "standard" brand or a "strawberry" brand. I told the clerk I would take the 'standard' nitrous oxide.
24. The clerk placed a box of "XXX Platinum" Cream Chargers on the counter. The box contains 24 nitrous oxide canisters. These Cream Chargers can be used for making whip cream, but are frequently misused by people to get "high." Annexed hereto as Exhibit G are photographs of the box.
25. The XXX Platinum box contains the following information: "Dessert Cream Chargers for the preparation of food only. 1 cylinder makes up to 1 pint of cream. Misuse can be dangerous to your health. Do not inhale contents. Contents under pressure. Do not incinerate or expose to sun or heat. Temperature not to exceed 50 c 122 f. Never dispose of full chargers. Keep out of reach of children. Bon appetite!" It goes on to warn: "N2O cartridges are to be used for food consumption only and are not for sale to minors under 18 (21 in Ohio)."
26. The clerk then asked if I needed a cracker or a balloon. I told the clerk I needed both.
27. I understand a cracker to be to be a device used to 'crack' the seal on nitrous oxide chargers for inhaling the N2O for a high. The cracker is commonly aluminum, brass or plastic and simply accepts a N2O charger and pierces the seal, allowing the gas to

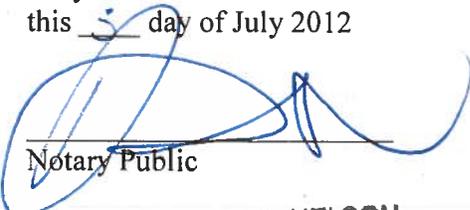
escape in a controlled fashion. A balloon is attached to the cracker to capture the gas and allow it to absorb enough heat to be inhaled safely. A balloon is used to capture the nitrous oxide gas from the chargers, so that it can be inhaled.

28. The clerk searched the store for a cracker and a balloon without any success. He then made a telephone call, asking the person on the other end where the crackers and balloons were kept. While on the telephone he made the statement to the person he was speaking with, "Unless someone came in and had a party and wiped us out."
29. The clerk was ultimately unable to locate a cracker or a balloon.
30. I then asked the clerk what type of kratom he had for sale. He described the various types of pills and powders of kratom he had for sale. I picked out one package of kratom powder he recommended, Kratom Zone. Annexed hereto as Exhibit H are photographs of the Kratom Zone package.
31. The clerk instructed me to stir it into "pretty warm water and just pounding it down as quickly as you can is the best way to do it. You know its kinda like mushrooms it taste like shit but it's worth it in the end."
32. I purchased the box of nitrous oxide chargers and the package of Kratom Zone powder. My total came to \$38.88. I paid using a credit card and was given a receipt by the clerk. Annexed hereto as Exhibit I is a copy of the receipt.
33. I thanked the clerk for his assistance and left the store.
34. The above purchases were recorded using a covert audio and video recording device.

Date: July 3, 2012


CHAD SHELMDINE, SR. INVESTIGATOR

Duly sworn to before me on
this 3 day of July 2012


Notary Public

DEANNA R. NELSON
Notary Public, State of New York
Registration No. 02NE5028585

5/31/14

FILED

B# 2008-000324

25.00
5.20

Certificate of Doing Business Under Assumed Name ("D/B/A")

APR 24 2008

BROOME COUNTY
CLERK'S OFFICE

Broome County Clerk's Office
Broome County Office Building, 3rd Floor, 44 Hawley Street, Binghamton, NY 13902
RICHARD R. BLYTHE, County Clerk

PURSUANT TO SECTION 130 OF THE GENERAL BUSINESS LAW OF NEW YORK STATE

1. I certify that my name is (print name) Thomas J Lynch

2. I am eighteen years of age or older (or, if less than eighteen, my age is _____)

3. I live at (street address) 217 N. Nanticoke Ave.

In City Endicott County Broome State N.Y. Zip 13760

4. I intend to do business in Broome County at the following address:

217 N. Nanticoke Ave

In City or Town Endicott County Broome State NY Zip 13760

5. I will do business under the name Rolling Fire Glassworks

6. (Optional) I further certify that I am the successor in interest to the following person, who formerly used this name or names to conduct or transact business

(person's name) _____

My Signature: Thomas J Lynch

Date: 4-24-08

Var. _____

Bk. _____

STATE OF NEW YORK }
COUNTY OF BROOME } ss:

On this 24th day of April, year 2008 before me, the undersigned, personally appeared Thomas J. Lynch, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Rosalie A. Catalano
Signature and Office of Individual taking acknowledgement

ROSALIE A. CATALANO
Notary Public, State of New York
No. 01CA4878627
Residing in Broome County
My Commission Expires: January 20, 2011

INSTRUCTIONS: Use this form for DBA by INDIVIDUAL(S): Complete the form BUT DO NOT SIGN IT until in the presence of a Notary Public or deputy County Clerk. Our staff are Deputy County Clerks and will witness your signature(s) at no charge if you wish. Bring the form with you to the Broome County Clerk's Office, 3rd Floor, County Office Building, together with \$25 in cash (or a check payable to Broome County Clerk). You will want at least one certified copy at \$5.20 per copy. Our office hours are 8:00 am to 5:00 pm Monday through Friday except holidays. If you have any questions on this filing, please call (607) 778-2451. There are other forms for Partnerships filing DBAs, as well as amendment and termination forms. These may be purchased at supply stores or prepared by your attorney. Legal questions should always be addressed by an attorney.

State of New York
Broome County Clerk's Office } ss.:

I, RICHARD R. BLYTHE, Clerk of the said County and of the County Court and Supreme Court of the State of New York, appointed to be held in and for said County, being Courts of Record, having a common seal, do hereby certify that I have compared the annexed copy of CERTIFICATE OF DOING BUSINESS UNDER ASSUMED NAME OF THOMAS J. LYNCH, D/O/A. ROLLING, FIRE GLASSWORKS

..... with the record of
..... with the original
~~recorded~~
thereof filed and entered APR 29, 2008, BUSINESS FILE, BY 2008000324

now remaining on file and of record in my office, and that the same is a correct and true copy of said original, and of the whole thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of the said County and Courts, at the City of Binghamton, this

..... 21st day of MAY, 2012
By Sanche S Fox Deputy Clerk

FORM 111









WWW.BLAZETNOW.COM

FOR USE IN AROMATHERAPY INCREASE ONLY

INGREDIENTS

- DAMIANA LEAF
- MULLEIN
- MUGWORT
- MOTHERWORT
- WILD LETTUCE LEAF
- BAYLEAF
- SKULLCAP
- ROOIBUS LEAF
- CAMELLIA SINENSIS



100% Organic Herbs



100% Orgánico y 100% Orgánico Certificado por el OTCO



100% Organique et 100% Organique Certifié par l'OTCO



100% Bio und 100% Bio-zertifiziert durch das OTCO

OTCO - Organic Trade Control Organisation

INGREDIENTS



- DAMIANA LEAF
- MULLEIN
- MUGWORT
- MOTHERWORT
- WILD LETTUCE LEAF
- BAYLEAF
- SKULLCAP
- ROOIBUS LEAF
- CAMELLIA SINENSIS



100% ORIGINAL TEA



100% ORIGINAL TEA



100% ORIGINAL TEA

100% ORIGINAL TEA



\$23.99

P.E.P. 100% ORGANIC GRADE A+++

★ Musshrooms ★

Fly Agaric (Amanita Muscaria)



June 1st

North

Stickers

d morel

curries

P.E.P 100% ORGANIC GRADE A+++ *Fly Agaric Mushrooms*

Pep Fly Agaric Mushrooms (*Amanita Muscaria*) - These Eastern European Mushrooms are one of the most talked about Pep products. Popular in pop culture and forever ingrained in our minds through its classic portrayal in video games and in classic novels, the Fly Agaric Mushroom is a highly sought after item.

Pep mushrooms caps are grade A+++ meaning they're the finest grade mushrooms that were produced during harvests season. Because of this high grade, we only source the mushroom caps, never the stems. When you buy from Pep, you're sure to get the highest quality product available. Pep Fly Agaric Mushrooms are colored a nice dark red that fades into lush deep oranges, sprinkled with its characteristic white spots that have made the Fly Agaric Mushroom recognizable to almost everybody. You don't have to be a Mario Brother to know these are super!

*THIS PRODUCT IS NOT INTENDED FOR HUMAN CONSUMPTION

SOLD FOR BOTANICAL/HORTICULTURAL/HERBARIUM SPECIMENS ONLY. HERBARIA ARE COLLECTIONS OF PRESERVED SPECIMENS THAT DOCUMENT THE IDENTITY OF PLANTS AND FUNGI.

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SOLD FOR BOTANICAL/HORTICULTURAL/HERBARIUM SPECIMEN ONLY. HERBARIA ARE COLLECTIONS OF PRESERVED SPECIMEN THAT DOCUMENT THE IDENTITY OF PLANTS AND FUNGI. THEY REPRESENT REFERENCE COLLECTIONS WITH MANY AND VARIED FUNCTION INCLUDING IDENTIFICATION, RESEARCH AND EDUCATION.



BE SURE TO CHECK OUT THESE OTHER GREAT PRODUCTS FROM P.E.P.

p.e.p
POWDERED
KRATOM
EXTRACT

p.e.p
100% ORGANIC EXTRACT
SALVIA

p.e.p
SUPER PREMIUM
KRATOM
CAPSULES

ROLLING FIRE GLASSWORKS
217 N NANTICOKE AVE
ENDICOTT NY 13760
607-239-4141
THANK YOU!

Merchant ID: 6300416822
Term ID: X570

Sale

MASTERCARD

CAS

XXXXXXXXXXXX0102

Entry Method: Swiped

Apprvd: Online Batch#: 000000

05/15/12 11:30:18

Inv#: 00000005 Appr Code: 528918

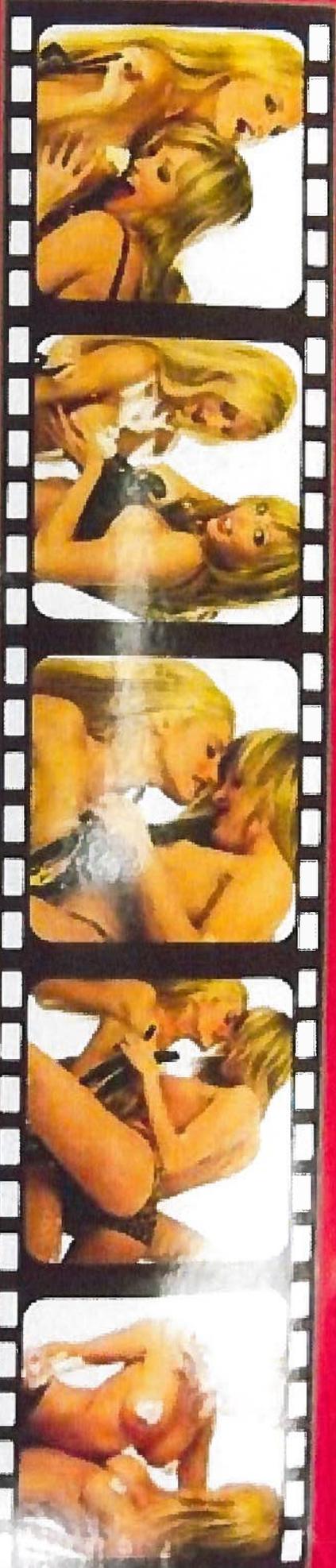
Total: \$ 136.08

Customer Copy

Dessert Cream Chargers for the preparation of food only. 1 cylinder makes up to 1 pint of cream. Misuse can be dangerous to your health. Do not inhale contents. Contents under pressure. Do not incinerate or expose to sun or heat. Temperature not to exceed 50 c 122 f. Never dispose of full chargers. Keep out of the reach of children. Bon appetite!

Contents imported from Hungary. Contains 10 cm³ (0.61 cu in) pure N₂O under pressure. N₂O cartridges are to be used for food consumption only and are not for sale to minors under 18 (21 in Ohio).





NEW PLEASURES

24 TRIPLE REFINED CREAM CHARGERS



TRIPLE PINK PINK PINK



TRIPLE REFINED CREAM CHARGERS

24

KRATOM ZON

\$16^{xx}+

P R E P A R E T I O N

Historically in Thailand, the readily-available, fresh Kratom leaves were chewed. Nowadays, when dried leaves or extracts are the norm, Kratom is usually taken as a tea. Other teas, sugar, or honey may be mixed with the Kratom tea to improve the flavor.

1100 hrs

The effects of Kratom last approximately 4-6 hours, but the residual lingering effects may last longer.

D O S A G E

Recommended dosage: 5 to 30 Grams

CAS 513212

Kratom is unique because it induces distinct effects depending upon the dosage level.

At lower dosage, a stimulating effect is felt. An individual may feel more alert, talkative, sociable, and energetic. In addition, sexual energy is also frequently increased.

At higher dosage, Kratom can produce extremely pleasurable, euphoric effects that are often accompanied by closed-eye sensations.

W A R N I N G S

Never attempt to operate any form of heavy machinery or moving vehicle while using this product. Do not exceed recommended dosage. Improper or excessive use may lead to a less than favorable experience.

Prior to use, NAP strongly recommends that further research be completed to fully understand the traditional uses, preparations, benefits, and effects of Kratom.



25 Grams

Made in the USA

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ROLLING FIRE GLASSWORKS
217 N NANTICOKE AVE
ENDICOTT NY 13760
607-239-4141
THANK YOU!

Merchant ID: 6300415822
Term ID: X570

Sale

MASTERCARD

CAS

XXXXXXXXXXXX0102

Entry Method: Swiped

Apprvd: Online Batch#: 000008

05/23/12 10:17:57

Inv#: 00000002 Appr Code: 58135B

Total: \$ 38.88

Customer Copy