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CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY omo

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,)
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Plaintiff,)
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v.)
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JOSE CANSECO,)
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Defendant.)
_____)

Magistrate Case No. _____

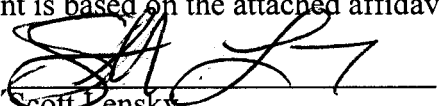
COMPLAINT FOR VIOLATION OF

21 U.S.C. § 331(a) - Introduction into Interstate
Commerce of a Misbranded Drug
(misdemeanor)

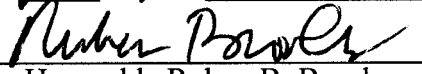
The undersigned complainant being duly sworn states:

On or about October 9, 2008, within the Southern District of California, defendants JOSE CANSECO did introduce and deliver for introduction a drug, to wit, Mexican pharmaceuticals, that is misbranded, a misdemeanor, in violation of Title 21, United States Code, Section 331(a) and 333(a)(1).

And the complainant states that this complaint is based on the attached affidavit.



Scott Lensky
Special Agent
U.S. Immigration and Customs Enforcement

Sworn and subscribed to before me
this 14th day of October


The Honorable Ruben B. Brooks
United States Magistrate Judge
Southern District of California

1 omo

1 **STATEMENT OF FACTS**

2
3 On October 9, 2008, at the San Ysidro, California, Port of Entry, a female applied for
4 admission into the United States as the driver of a black 2004 BMW bearing California License
5 Plate No. 5HEZ410. In addition to the female driver, JOSE CANSECO was a passenger in the
6 vehicle along with the female driver's minor daughter.

7 At primary inspection, Customs and Border Protection ("CBP") Officer Patrick Hernandez
8 asked for identification from the occupants. The female driver provided identification for her,
9 CANSECO, and her minor daughter. CBP Officer Hernandez then asked whether the driver had
10 anything to declare. The female driver stated she was not bringing anything into the United States.

11 CBP Officer Hernandez then did a further detailed inspection of the vehicle at the primary
12 inspection area. During that inspection, he discovered six vials listed in Spanish as Pregnyl
13 Chorionic Gonadotropin, which is Human Chorionic Gonadotropin ("HCG"). These vials were
14 located in a box with ten syringes, and the box was located in the rear center armrest compartment,
15 which was initially flush against the back seat (and not down on the seat). Based on this discovery,
16 he referred the vehicle to secondary.


17 CBP Officer Rommel Ronquillo approached the vehicle in secondary inspection at the
18 passenger side. He asked whether the female driver or CANSECO had anything to declare. The
19 female driver indicated that they were bringing back from Mexico a stone turtle that was located in
20 the back seat of the vehicle. CANSECO stated that he was not bringing anything into the United
21 States. CBP Officer Dario Flores also inspected the vehicle at that time, specifically the back seat of
22 the vehicle. Officer Flores located, in the rear center armrest, a box containing 10 syringes and six
23 vials of a substance with markings in Spanish.

24 The seizure consisted of 3 ampoules of Pergnyl Chorionic Gonadotropin ("HCG"), 3
25 ampoules of Pergnyl Sodium chloride solvent, and 10 syringes with needles. The labeling for the
26 vials was in Spanish, without an English translation. No prescription for this HCG was found in the
27 vehicle or on CANSECO's person. Additionally, no directions of use were found for the HCG
28 either in the vehicle or on CANSECO's person.

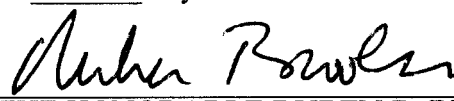
1 With a prescription, HCG is used as a fertility medication for females. In males, HCG is
2 used to synthesize testosterone, and typical uses with a prescription include fertility treatment and
3 hypogonadism. In the world of performance enhancing drugs, bodybuilders and other athletes use
4 HCG in combination with anabolic androgenic steroids to counteract the negative effects of steroid
5 use. HCG is generally used during and after steroid cycles to help restore and maintain testosterone
6 production.

7 At approximately 6:16 pm, CANSECO was advised of his rights per Miranda, waived those
8 rights and agreed to speak with agents. During his interview, he explained that he went to Mexico to
9 shop and to look for inexpensive dental implant work. CANSECO admitted that he purchased the
10 HCG in Mexico at a pharmacy and was returning to the United States with the HCG and syringes.
11 CANSECO explained that he is currently on a hormone therapy plan because his testosterone levels
12 are extremely low due to his past steroid use. He stated that he did not have a prescription for the
13 HCG found in the rear armrest compartment and that he was bringing it in for his own use.

14 Based on the facts and circumstances outlined in the above Affidavit: I believe probable
15 cause exists that on or about October 9, 2008, defendant JOSE CANSECO did introduce and deliver
16 for introduction a drug, to wit, Mexican pharmaceuticals, that is misbranded, a misdemeanor, in
17 violation of Title 21, United States Code, Section 331(a) and 333(a)(1); within the Southern District
18 of California.

19 
20 Scott Eensky, Special Agent
Immigration and Customs Enforcement

21 Sworn to and subscribed before me this 14th day of October of 2008 and I find probable cause.

22 
23 THE HONORABLE RUBEN B. BROOKS
24 UNITED STATES MAGISTRATE JUDGE
Southern District of California

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