

1 Presented to the Court by the foreman of the
2 Grand Jury in open Court, in the presence of
3 the Grand Jury and FILED in the U.S.
DISTRICT COURT at Seattle, Washington.

4 SEPTEMBER 20 20 11

WILLIAM M. McCOOL, Clerk

5 By [Signature] Deputy

6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 SUNNY AHUJA,
13 MANOJ KUMAR, and
BEEZ INDIA NATURAL PRODUCTS,

14 Defendants.

CR 11 0304 RSM

INDICTMENT

15 The Grand Jury Charges that:

16 COUNT ONE

17 (Conspiracy)

18 **A. Introduction**

19 At all times relevant to this Indictment:

20 1. The United States Food and Drug Administration ("FDA") was an agency
21 of the United States charged with the responsibility of protecting the health and safety of
22 the American public by enforcing the Federal Food, Drug, and Cosmetic Act (hereinafter
23 the "FDCA") and by ensuring, among other things, that foods bore labeling containing
24 true and accurate information.

25 2. Articles referred to as honey were food within the meaning of the FDCA,
26 Title 21, United States Code, Section 321(f) because they were used for food or drink for
27 man and for components of articles used for food or drink for man.
28

1 3. Under the FDCA, Title 21, United States Code, Section 331(a), the
2 introduction or delivery for introduction into interstate commerce of a misbranded food,
3 or the causing thereof, was prohibited.

4 4. Under the FDCA, Title 21, United States Code, Section 343(a)(1), a food
5 was deemed to be misbranded if its labeling was false or misleading in any particular.

6 5. The United States Customs and Border Protection was an agency of the
7 United States responsible for, among other things, the examination of merchandise
8 brought into the United States to ensure that it was admissible and in compliance with
9 United States laws and the assessment and collection of duties, taxes, and fees on
10 imported merchandise. Customs laws and regulations required that importers provide
11 various information, including, but not limited to, a description of the goods.

12 6. BEEZ INDIA NATURAL PRODUCTS was a company based in New
13 Delhi, India that engaged in the exportation of honey and other products to other
14 countries throughout the world including the United States of America.

15 7. SUNNY AHUJA was the General Manager of BEEZ INDIA NATURAL
16 PRODUCTS.

17 8. MANOJ KUMAR was the Head of International Marketing for BEEZ
18 INDIA NATURAL PRODUCTS.

19 **B. The Conspiracy**

20 11. Beginning in or about 2005, continuing until in or about June 2010, at
21 Seattle, within the Western District of Washington and elsewhere, SUNNY AHUJA,
22 MANOJ KUMAR, BEEZ INDIA NATURAL PRODUCTS, and others known and
23 unknown to the grand jury, did knowingly and willfully combine, conspire, and agree to
24 commit the following offenses against the United States, to wit:

25 a. Introduction of Misbranded Food into Interstate Commerce, in violation of
26 Title 21, United States Code, Sections 331(a) and 333(a)(2); and

27 b. Smuggling Goods into the United States, in violation of Title 18, United
28 States Code, Section 545.

1 **C. Manner and Means of the Conspiracy**

2 9. It was a part of the conspiracy that SUNNY AHUJA, MANOJ KUMAR,
3 BEEZ INDIA NATURAL PRODUCTS, and others known and unknown to the Grand
4 Jury offered for sale a product described as "honey" to customers within the Western
5 District of Washington and elsewhere.

6 10. It was further part of the conspiracy that SUNNY AHUJA, MANOJ
7 KUMAR, BEEZ INDIA NATURAL PRODUCTS, and others known and unknown to the
8 Grand Jury would offer to import the product they marketed as "honey" to the United
9 States through ports in Seattle, within the Western District of Washington, and elsewhere.

10 11. It was further part of the conspiracy that SUNNY AHUJA and others
11 known and unknown to the Grand Jury would attend trade shows in the United States and
12 other countries where they would provide marketing materials to potential customers of
13 BEEZ INDIA NATURAL PRODUCTS, including customers in the Western District of
14 Washington. These marketing materials stated that BEEZ INDIA NATURAL
15 PRODUCTS was an international supplier of "honey" and that it sold "pure and natural
16 honey."

17 12. It was further part of the conspiracy that SUNNY AHUJA, MANOJ
18 KUMAR, BEEZ INDIA NATURAL PRODUCTS, and others known and unknown to the
19 Grand Jury would import products falsely labeled as "100% Pure US Grade A Honey" to
20 Seattle, within the Western District of Washington, and elsewhere. In truth and in fact, as
21 the defendants then well knew, the product they imported also contained corn syrup.

22 **D. Overt Acts**

23 13. Counts 2 through 3 of this Indictment are incorporated by reference herein
24 and are alleged as separate overt acts in furtherance of the conspiracy and to accomplish
25 one or more of its objects as if fully set forth herein. In addition, SUNNY AHUJA,
26 MANOJ KUMAR, BEEZ INDIA NATURAL PRODUCTS, and others known and
27 unknown to the Grand Jury, committed the following overt acts within the Western
28 District of Washington and elsewhere, in furtherance of the conspiracy:

1 a. In or about October 2006, SUNNY AHUJA, MANOJ KUMAR,
2 BEEZ INDIA NATURAL PRODUCTS, and others known and unknown to the Grand
3 Jury imported a shipment of a product falsely labeled and declared as “natural honey” and
4 “honey” into the United States for sale to a company in Brooklyn, New York.

5 b. In or about March 2007, SUNNY AHUJA, MANOJ KUMAR, BEEZ
6 INDIA NATURAL PRODUCTS, and others known and unknown to the Grand Jury
7 imported a shipment of a product falsely labeled and declared as “natural honey” and
8 “honey” into the United States for sale to a company in Dulles, Virginia.

9 c. In or about November 2007, SUNNY AHUJA, MANOJ KUMAR, BEEZ
10 INDIA NATURAL PRODUCTS, and others known and unknown to the Grand Jury
11 imported a shipment of a product falsely labeled and declared as “natural honey” and
12 “honey” into the United States for sale to a company in Brooklyn, New York.

13 d. In or about March 2008, SUNNY AHUJA, MANOJ KUMAR, BEEZ
14 INDIA NATURAL PRODUCTS, and others known and unknown to the Grand Jury
15 imported a shipment of a product falsely labeled and declared as “natural honey” and
16 “honey” into the United States for sale to a company in Seattle, Washington.

17 e. In or about March 2008, SUNNY AHUJA, MANOJ KUMAR, BEEZ
18 INDIA NATURAL PRODUCTS, and others known and unknown to the Grand Jury
19 imported a shipment of a product falsely labeled and declared as “natural honey” and
20 “honey” into the United States for sale to a company in North Kingstown, Rhode Island.

21 f. In or about May 2008, SUNNY AHUJA, MANOJ KUMAR, BEEZ INDIA
22 NATURAL PRODUCTS, and others known and unknown to the Grand Jury imported a
23 shipment of a product falsely labeled and declared as “natural honey” and “honey” into
24 the United States for sale to a company in Baytown, Texas.

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1 g. In or about March 2010, SUNNY AHUJA, BEEZ INDIA NATURAL
2 PRODUCTS, and others known and unknown to the Grand Jury imported a shipment of a
3 product falsely labeled and declared as “natural honey” and “honey” into the United
4 States for sale to a company in Cannon Falls, Minnesota.

5 All in violation of Title 18, United States Code, Section 371.

6 **COUNT TWO**

7 **(Introduction of Misbranded Food into Interstate Commerce)**

8 14. The allegations set forth in Paragraphs 1 through 8 of Count 1 of this
9 Indictment are incorporated by reference as if fully set forth herein.

10 15. On or about March 12, 2008, at Seattle within the Western District of
11 Washington, the defendants, SUNNY AHUJA, MANOJ KUMAR, and BEEZ INDIA,
12 did, with intent to defraud and mislead, introduce and deliver for introduction, and cause
13 to be introduced and delivered for introduction, into interstate commerce from India to
14 Seattle, a food, namely, a product labeled as “honey,” which, when introduced and
15 delivered into interstate commerce, was misbranded within the meaning of Title 21,
16 United States Code, Section 343(a)(1), in that the labeling falsely and misleadingly
17 represented the product to be 100% pure natural honey, when in truth and in fact, as
18 defendant then well knew, the product consisted of more than fifty percent corn syrup.

19 All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2).

20 **COUNT THREE**

21 **(Smuggling Goods into the United States)**

22 16. The allegations set forth in Paragraphs 1 through 8 of Count 1 of this
23 Indictment are incorporated by reference as if fully set forth herein.

24 17. On or about March 12, 2008, at Seattle, within the Western District of
25 Washington, SUNNY AHUJA, MANOJ KUMAR, and BEEZ INDIA did fraudulently
26 and knowingly import and bring into the United States, merchandise, that is a product
27 falsely labeled as “100% Pure US Grade A Honey” and “natural honey,” contrary to law,
28 in that the product was misbranded and delivered for introduction into interstate

1 commerce in violation of Title 21, United States Code, Sections 331(a) and 333(a)(2) as
2 charged in Count 1 of this Indictment.

3 All in violation of Title 18, United States Code, Sections 545, and 2.

4
5 A TRUE BILL:


DATED: 9-20-2011

6
7 *(Signature of the Foreperson redacted pursuant*
8 *to the policy of the Judicial Conference)*

FOREPERSON

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10 
11 _____
12 JENNY A. DURKAN
13 United States Attorney

14 
15 _____
16 CARL BLACKSTONE
17 Assistant United States Attorney

18 
19 _____
20 NORMAN M. BARBOSA
21 Assistant United States Attorney