

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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

VERIFIED PETITION

Petitioner,

IAS Part _____

-against-

Index No. _____

NIAZ KHAN, PHILLIP PULCCA, AIDA GUACH,
LISANKA SANCHEZ, JOHN DOE and/or JANE DOE
d/b/a LEGALHERBALBUD.COM

Assigned Justice

Respondents.

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The People of the State of New York, by their attorney, Eric T. Schneiderman, Attorney
General of the State of New York, respectfully allege upon information and belief the following:

PRELIMINARY STATEMENT

1. The People of the State of New York ("Petitioner") bring this special proceeding pursuant to New York State Executive Law § 63(12), Agriculture & Markets Law § 194, Education Law §§ 6808 and 6815, and General Business Law §§ 130, 349 and 350, to permanently enjoin the Respondents, Niaz Khan, Phillip Pulcca, Aida Guach, Lisanka Sanchez, and John and/or Jane Doe, who do business as Legalherbalbud and/or Legalherbalbud.com (all collectively referred to as "Legalherbalbud" or "Respondents"), from engaging in fraudulent and illegal conduct; deceptive acts or practices; falsely advertising its products; selling mislabeled and misbranded drugs; selling drugs without having registered as a pharmacy, wholesaler, manufacturer, or outsourcing facility; conducting business under an assumed name without filing a certificate with the county clerk's office; and to obtain civil penalties and costs, as authorized by statute to be paid to the State of New York.

2. Legalherbalbud is an online retailer of designer drugs, which are products sold to affect the structure or any function of the body of man or animals—namely to provide euphoria or other mind-altering effects in the case at bar. Often the chemicals are so novel that they are not yet “controlled substances” for purposes of the penal laws. These rapidly evolving designer drugs are known to cause hallucinations, seizures, psychosis, and in some cases, can even be life-threatening. Many of the products Petitioner purchased from Legalherbalbud are well known brands of smokeable synthetic marijuana or similar products. For example, in New York City Department of Health & Mental Hygiene Commissioner Mary T. Bassett’s August 3, 2015 Order for Summary Action, the products AK47, California Kronic, Caution, Diablo, Green Giant, iBlown, Kisha Cole, Psycho, Red Eye Jack, Red Giant, Smacked!, and Scooby Snax are all referenced as embargoed synthetic cannabinoid products,¹ and were sold to Petitioner by Respondents. Yet, Legalherbalbud² misrepresents each of these products as “herbal incense”³ or “potpourri.”⁴ Similarly, many of its labels include a deceptive disclaimer proclaiming that their products “are not for human consumption,” while posting user reviews as to their drug effect.

¹ The Verified Petition includes footnotes to the “Urban Dictionary,” located at www.urbandictionary.com. Many of Legalherbalbud’s products appear to be named after various slang terms for drugs. Given that many of these terms are not officially recognized words in the English language, footnotes to definitions from the Urban Dictionary, are being included solely to provide context as to what the names of some Legalherbalbud’s product names may signify.

² “Legal bud” – “Sh#tty, pretend bud. No one has ever actually tried it. Yo do you want to get some legal bud? F#ck that sh#, go for the illegal kind #bud #legal #fake weed #legal herb #pretend bud.” By “K Mos,” Urban Dictionary, September 09, 2007.

³ “Herbal Incense” – “Synthetic Marijuana. It has the short term effects that resembles weed, but the effects on your body are more like LSD mixed with speed, and after a while, severe psychological, respiratory, and gastrointestinal side effects can surface. Dude, after i went home after we smoked that herbal incense the other day i woke up in the hospital and the doctors said i had a seizure. #spice#mojo #k2 #legal weed #incense #sense.” By “MBLCLA,” Urban dictionary, July 14, 2011.

⁴ “Potpourri:” – “A substance that imitates marijuana. Literally, it’s potpourri, with chemicals added that produce a sweet smelling and great tasting high. Some people have been known to trip on this, if given enough. It’s also been known to give headaches, and I’ve even heard of people having seizures from it, though I never have. It loves me, and I love it right back. Also known as ‘pope.’ Potpourri is completely legal and so far, undetectable in any kind of test. Side effects are same as marijuana. It comes in different flavors and concentrations. The more powerful the pope, the more expensive it can be. For the cheap kind, runs \$15 a gram, expensive kind is up to \$45 a gram. AYYy

3. The proliferation of designer drugs has led to a public health crisis throughout New York State. From April 6, 2015 to June 6, 2015, the number of synthetic marijuana patients admitted to critical care units in New York State increased 44% when compared with admission numbers from April 1, 2011 to June 5, 2015. See NEW YORK STATE DEPARTMENT OF HEALTH REGULATION - Synthetic Phenethylamines and Synthetic Cannabinoids, (SP & SC) Prohibited (January 2, 2013) p. 8, available at https://www.health.ny.gov/regulations/recently_adopted, (“NYS Department of Health Synthetic Phenethylamines & Synthetic Cannabinoids Regulation”), attached to the Affirmation of Jason M. Clark (“Clark Affirmation”) as Exhibit K. Additionally, there were over 4,500 synthetic cannabinoid-related visits to New York City emergency departments in 2015. See New York City Department of Health & Mental Hygiene 2015 Advisory #36: Increase in Synthetic Cannabinoid (K2)-Related Adverse Events & Emergency Department New York City Visits (“NYC K2 Advisory #36”), p. 2, attached to Clark Affirmation, Exhibit L. There were at least fifteen deaths attributed to synthetic marijuana, nationwide including one in New York City. More recently, on July 12, 2016, 33 New York City residents were hospitalized as a result of synthetic marijuana overdoses, which rose to 130 victims by the end of that week. Eli Rosenberg & Nate Schweber, “33 Suspected of Overdosing on Synthetic Marijuana in Brooklyn, N.Y. Times” July 13, 2016, attached as Exhibit N to the Clark Affirmation, at 1; see also Sarah Nir, “K2 Overdoses Surging in New York: At Least 130 Cases This Week Alone,” N.Y. Times, July 15, 2016, attached as Exhibit N to the Clark Affirmation, at 1.

4. Legalherbalbud is selling products that are misbranded and mislabeled in violation of New York State’s labeling laws. Its products lack generic names, manufacturer

dude, you got some pope we can toke? XD That new potpourri stuff. my favorite flavor is orange crush. It's XXX! pope#potpourri#toke#mairjuana#smoke#high#pop.” by “SOOOHIGH,” Urban Dictionary, December 13, 2010.

information, ingredients lists, proper health warnings and directions for use, and warnings for the expected consequences of typical use.

5. Legalherbalbud's deceptive and fraudulent actions have led to New York consumers purchasing these designer drugs without adequately being made aware of the significant health risks involved in consuming them. Additionally, given that many of Legalherbalbud's products are named after popular cartoons, and feature superheroes on their packaging (such as "Scooby Doo" and "The Incredible Hulk"), it is likely that many of the consumers it is misleading are adolescents and children, heightening the devastating impact.

PARTIES AND JURISDICTION

6. The Petitioner is the People of the State of New York, by Eric T. Schneiderman, Attorney General of the State of New York.

7. Respondent Niaz Khan is a principal of Legalherbalbud who resides and conducts business at 4705 Center Boulevard, Queens, New York 11109. Mr. Khan is the owner, manager, and registrant of the Legalherbalbud domain website. He is responsible for the operations of the business, participates in, and has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein. Mr. Khan continuously paid 3dCart, which is an online website builder and shopping cart software company, monthly fees to keep the Legalherbalbud website operational.

8. Respondent Phillip Pulcca is a principal of Legalherbalbud who resides at 40-01 12th Street, Apt 6D, Long Island City, New York 11101. Upon information and belief, Mr. Pulcca is responsible for the financial operations of Legalherbalbud. Mr. Pulcca has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein.

9. Respondent Aida Guach is a principal and integral associate of Legalherbalbud.com. During Petitioner's investigation, Legalherbalbud.com directed an undercover investigator to authorize Aida Guach to retrieve a Western Union money transfer as payment for Legalherbalbud's products on January 28, 2016 and February 19, 2016. Ms. Guach has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein. She resides at 905 Tinton Ave., Apt. 13F, Bronx, New York 10456-7423.

10. Respondent Lisanka Sanchez is a principal and integral associate of the Legalherbalbud.com. During Petitioner's investigation, Legalherbalbud.com directed an undercover investigator to authorize Lisanka Sanchez to retrieve a Western Union money transfer as payment for Legalherbalbud's products on June 3, 2016. Ms. Sanchez has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein. Ms. Sanchez resides at 30 Cooper Street, Apt 2C, New York, New York 10034.

11. Respondent John Doe and/or Jane Doe is an as yet unknown principal and integral component of Legalherbalbud.com insofar as he or she effectuated the acquisition, marketing, distribution, and other facilitation of illegal synthetic marijuana-styled designer drugs and received monetary compensations for his or her actions.

12. Niaz Khan, Phillip Pulcca, Aida Guach, Lisanka Sanchez, and John and/or Jane Doe have not filed a certificate of assumed name with the Queens County Clerk Office, as there is no certificate of assumed named registered for anyone doing business under the name of Legalherbalbud.com.

13. Petitioner brings this summary proceeding pursuant to a) Executive Law § 63(12), which empowers the Attorney General to seek injunctive relief, restitution, damages and costs

when any person has engaged in, or otherwise demonstrated, repeated or persistent fraudulent or illegal acts in the transaction of business; and b) General Business Law (“GBL”) §§ 349 and 350, which empower the Attorney General to seek injunctive relief, restitution and civil penalties when any person or entity has engaged in deceptive acts or practices or false advertising in the conduct of any business.

FACTS

Investigation into Legalherbalbud

14. Legalherbalbud is an online business that sells smokeable synthetic marijuana-styled products and other designer drugs to consumers seeking a “legal high.”

15. Users of synthetic marijuana have suffered psychosis, seizures, renal failure, extreme anxiety, and in some cases death.

16. On January 12, 2016, the Office of the New York State Attorney General commenced an undercover investigation into the website LegalHerbalBud.com. The investigation establishes that Legalherbalbud offers and sells mislabeled, falsely advertised and misbranded designer drugs to the public.

17. The investigation also uncovered that the owner, manager, and registrant of the Legalherbalbud domain website is Niaz Khan.

18. The investigation further revealed that Phillip Pulcca has financed the operation of the Legalherbalbud.com website.

19. Aida Guach and Lisanka Sanchez were authorized by Legalherbalbud.com to retrieve Western Union money transfers as payment for Legalherbalbud’s products.

20. Once an individual or business registers a domain name, the registrant’s identification and contact information must be added to a public database named “WHOIS.”

21. According to the website Register.com, which is a website that can be used to query the WHOIS database, Legalherbalbud.com is registered to a business named Perfect Privacy LLC. Perfect Privacy LLC is a company that helps the owners of website domains conceal their identities.

22. Web.com is the parent company of Perfect Privacy LLC. Web.com Records Custodian Linda Shutterly submitted an affidavit attesting that Perfect Privacy was retained by Niaz Khan, and that Niaz Khan is the owner of the website www.legalherbalbud.com.

The First Purchase

23. On January 12, 2016, Office of New York State Attorney General Senior Investigator Chad Shelmidine (“Investigator Shelmidine”) created a fictitious identity on the Legalherbalbud website for the purposes of this investigation.

24. On January 28, 2016, Investigator Shelmidine ordered an assortment of synthetic marijuana products from Legalherbalbud costing a total of \$530.00. A Legalherbalbud representative named “Samantha” effected the transaction.

25. On February 1, 2016, New York State Attorney General Investigator Cynthia Kane (“Investigator Kane”) retrieved a package from a United States Post Office box in East Harlem, New York County. The tracking number for the package matched the number Samantha gave Investigator Shelmidine on January 30, 2016.

26. The shipment contained 36 packages of marijuana-styled designer drugs representing five different brands. There were 10 packages of “Deadman Walking,” 10 packages of “AK47,”⁵ 6 packages of “Caution,” 5 packages of “Green Giant,”⁶ and 5 packages of “Kisha

⁵ “AK-47” – “Bomb #ss Kronic that packs a powerful punch. My boi has the hook up on that AK, no not the kalishnikov the damn weed man.” By “Borat,” Urban Dictionary, March 28, 2005”

Cole.”⁷

The Second Purchase

27. On February 19, 2016, Investigator Shelmidine placed a second order with Legalherbalbud by effecting a money transfer for \$530.00 via Western Union.

28. On February 23, 2016, Investigator Cynthia Kane retrieved the package from a United States Post Office box in East Harlem, New York County. The tracking number for the package matched the number Samantha gave Investigator Shelmidine on February 20, 2016.

29. The shipment included 35 packages of synthetic marijuana from seven different brands. It consisted of 5 packages of “Green Giant,” 7 packages of “Scooby Snax,”⁸ 5 packages of “Diablo,” 3 packages of “Psycho,” 5 packages of “iBlown,”⁹ 3 packages of “Joker,” and 6 packages of “AK47.”

The Third Purchase

30. On May 31, 2016, Investigator Shelmidine made a third purchase with a money transfer of \$530.000 via Western Union.

31. On June 2, 2016, Investigator Kane retrieved a package from a United States Post Office box in East Harlem, New York County. The tracking number for the package matched the number Samantha gave Investigator Shelmidine on June 1, 2016.

32. The shipment included 36 packages of synthetic marijuana from seven different

⁶ “Green Giant” – “A slang term for marijuana hey you got any green giant? Marlow was only able to survive the horrors in the jungle of the congo due to the abundance of the green giant #weed #doobie #pot #dope #buddha.” By “homebrewed,” Urban Dictionary, July 08, 2009”

⁷ “Kisha” – “Slang for weed (marijuana). I was smokin on some of dat Kisha and man...it had me turnt up!#weed #kush #marijuana #doobie #Kronic.” By “Kmutongs,” Urban Dictionary, December 19, 2012”

⁸ “Scooby Snacks” – “When your smoking a bowl with no screen and pieces of weed goes into your mouth ...(not a good thing) ‘yo man your bowl gives me mad scooby snacks’ #scooby#snacks#weed #bowl #marijuana.” by “AJF 518,” Urban Dictionary, November 16, 2006.

⁹ “Blown” – “Similar to ‘wasted’ but in relation to smoking ‘buddah’ and not drinking alcohol. High of yer a#\$. I got blown last night.” By “Papa Smurf,” Urban Dictionary, February 4, 2003.

brands. There were 5 packages of “Mind Trip,”¹⁰ 5 packages of “Incredible Hulk Kush,”^{11, 12} 5 packages of “Deadman Walking,” 5 packages of “California Kronic Potpourri: 24K,”¹³ 5 packages of “Red Eye Jack,” 6 packages of “Black Lion,” and 5 packages of “Scooby Snax.”

The Final Purchase

33. On June 14, 2016, Investigator Shelmidine made a fourth and final purchase with a money transfer of \$330.00 via Western Union.

34. On June 17, 2016, Investigator Kane retrieved a package from a United States Post Office box located in East Harlem, New York County. The tracking number matched the number given to him by Legalherbalbud on June 15, 2016.

35. The shipment included fifteen packages of synthetic marijuana representing two different brands. There were fourteen packages of Red Giant and two packages of Smacked!¹⁴

Products Purchased from Legalherbalbud

36. Nineteen brands of synthetic marijuana were purchased by Petitioner from Legalherbalbud on January 28, 2016, February 19, 2016, March 31, 2016, and June 14, 2016. The brands are: AK47, Black Lion, California Kronic Potpourri: 24K, Caution, Deadman Walking, Diablo, Green Giant, iBlown, Incredible Hulk Kush, Joker, Kisha Cole, Mind Trip, Psycho, Red Eye Jack, Red Giant, Scooby Snax (“Green Apple”), Scooby Snax (“Hydro”),

¹⁰ “Mind tripper” – “60s slang: One who takes LSD or other psychedelics in a peaceful setting, as kind of a meditation aid. They hope to gain self-insight and to learn more about how they can live in harmony with God or the universe. Stephen Hill’s ‘Music from the Hearts of Space’ radio show has great music for mind trippers.” by Jay Young, Urban Dictionary, April 24, 2005.

¹¹ “Incredible Hulk” – “Better known to us veterans as the ‘One cup F#ck up’ ‘One part hypnotiq.’ One part Hennessy. When mixed properly will turn hulk green. The ‘block and fall’ of the new millenium. Drink a cup, walk a block...and fall.” By “Marcjon78,” Urban Dictionary, September 07, 2003.

¹² “Kush” – “A high grade strand of marijuana.” By “WickedPaganNinja,” Urban Dictionary, September 08, 2003.

¹³ “Kronic” – “Drug substance such as weed can i smoke some kronic with you.” By “Etibem,” Urban Dictionary, June 10, 2005.

¹⁴ “Smacked” – “Damn i was so smacked last night #thizz #rollin #on one #pill.” By “Jnvjdksnv,” Urban Dictionary, January 06, 2008.

Smacked (“Lemon Lime”), and Smacked (“Strawberry”).

Legalherbalbud Website

37. On the Legalherbalbud website homepage, Legalherbalbud claims that it sells “100% legal popular Potpourri spice blends.”¹⁵ See Shelmidine Affidavit, Exhibit A at Ex. A-6, p.1.

38. In the “About us” section, Legalherbalbud purports to sell “K2 alternatives which are currently legal in all 50 states.”¹⁶ Id. at Ex. A-6, p. 2.

39. As of December 24, 2015, Legalherbalbud has listed Green Giant, Red Giant, Diablo, Joker, Psycho, Scooby Snax, Caution, California Kronic Potpourri: 24K; Bizarro, AK-47, Shaggy’s Mix, Jazz Mango, Pineapple Kush, Orgazmo, iBlown, OMG, Krazy Jack, and California Dreams. See id. (left hand corner of page).

40. Under a photograph of each product, Legalherbalbud characterizes each item as “100% Legal Herbal Spice for Sale, K2 Alternative.”¹⁷ All of the products are sold for drug effect.

E-mail Advertisements

41. As of January 28, 2016, Investigator Shelmidine began receiving periodic e-mail promotions from Legalherbalbud. One e-mail promotion, which was sent on February 13, 2016, featured the product AK-47. The advertisement read:

¹⁵ “Spice” – “A LEGAL substitute for weed. It gets you high and will not show up on drug test. Must be 18 or older to buy it. Sammie: lets go and blow down ME: yeahh i got this fiya sh@t spice so i wont fail my drug test! #legal #weed #drugs #probation #drug court.” By “Probationsuckkks,” Urban Dictionary, June 20, 2008.

¹⁶ “K2” – “An herbal smoking mix of herbs and spices with synthetic THC sprayed on. No studies on its effects have been done but it's said to give a high similar to medical marijuana in that it's shorter lived. It's currently (Feb 2010) legal throughout most of the US. #pot #reefer #marijuana #medical marijuana #thc #legal#cannabis#stoner #drugs.” By “Asaakira,” Urban Dictionary, February 19, 2010.

¹⁷ The products are so well known as drug products that most are listed by name as banned substances on the NYC Commissioner’s Synthetic Cannabinoids Order for Summary Action. See NYC Synthetic Cannabinoids Order for Summary Action, Clark Affidavit, Exhibit M, at p. 3.

This little O.G. has been re-branded to be more potent than before. When our retailers told us this, we knew we had to market it right away and spread the word to our faithful fan base...Please note all items will be replaced with the next potent blend if one potent blend is not available. Keep in mind it's not the packaging but what is inside it :-).

Similarly, on June 13, 2016 Investigator Shelmidine received an e-mail promotion for the product "Red Giant" that read:

This bad boy is the cousin of Green Giant. We here at LegalHerbalBud.com know exactly who is buying what. That is why we know how popular Green Giant is to every potent Aroma Therapy lover. If you want that potent refreshing scent that will leave you in cloud 9 every burn then you should not turn your back on this newest 2016 upgrade. This product is now banned in NEW YORK, however it is still legal in all other states. Please note if you are from NEW YORK CITY please do not purchase this product as it may cause legal issues in your state. Due to high potency and recent chemical upgrades since it is brand new other states have not yet caught up."

....

Don't forget to leave a positive feedback review so other Aroma lovers just like you can relate and be reassured that what they are purchasing is simply the best on the net from us!

Legalherbalbud Facebook Page

42. On January 25, 2014, Legalherbalbud launched a Facebook page located at <https://www.facebook.com/LegalHerbalBud>. In the "About us" section of the Facebook page it read, "we provide only the best quality herbal incense and k2 alternative spice. Please like our page if you feel marijuana and natural herbs should be legal. <http://www.LegalHerbalBud.com>."

43. Below are three representative examples from "Herbal Incense," who is the administrator of the Legalherbalbud Facebook page touting the use of Legalherbalbud products as drugs:

January 30, 2014:

"Rule #1: Don't get high on your own supply... failed miserably lol. www.LegalherbalBud.com"

February 1, 2014:

“100% Legal Potent Herbal Incense 2014 ‘Spice’ Available Now For Cheap With FREE SHIPPING to every state! Visit www.LegalHerbalBud.com to get top quality legal weed alternative. Roll one up now!”

May 14, 2014:

“Lighting up a fatty.”

44. The Facebook page also includes a February 2, 2014 video posted by “Herbal Incense” reviewing a featured Legalherbalbud product, Scooby Snax. In the video review, the speaker remarks that “it's the extra potent one, has better taste, texture, brings a lot more in a sense of smoking. You got a lot of joints here, about a hundred joints, who knows, depending how you smoke them.” It is clear from the representations contained on the Legalherbalbud Facebook page that their products are drugs that are intended to be ingested for drug effect.

**FIRST CAUSE OF ACTION
VIOLATION OF EXECUTIVE LAW 63(12)
REPEATED ILLEGALITY
VIOLATION OF AGRICULTURE & MARKETS LAW § 194
(FALSE LABELING)**

45. New York State Agriculture and Markets Law § 194 prohibits the affixing of false labels on commodities sold, offered or exposed for sale, or any false description respecting the number, quantity weight or measure of such commodity.

46. The definition of a commodity in Agriculture and Markets Law § 191 includes, *inter alia*, non-prescription drugs. Education Law § 6802 defines the term “drug” to be an “article[] (other than food) intended to affect the structure or any function of the body of man or animals.”

47. Section 221.2(e) Title 1 of the New York State Codes, Rules and Regulations (“NYCRR”) defines a label as “any written, printed, or graphic matter affixed to, applied to, attached to, blown into, formed, molded into, embossed on, or appearing upon or adjacent to a

consumer commodity or a package containing any consumer commodity, for purposes of branding, identifying, or giving any information with respect to the commodity or to the contents of the package.” A label must identify the product's identity (common or usual name, description, generic term), and the weight or quantity of the product.

48. The following products, offered and sold by Legalherbalbud to Petitioner are intended to affect the function of the human body: AK47, Black Lion, California Khronic Potpourri: 24K, California Dreams, Caution, Deadman Walking, Diablo, Green Giant, iBlown, Incredible Hulk Kush, Joker, Kisha Cole, Mind Trip, Psycho, Red Eye Jack, Red Giant, Scooby Snax (Green Apple), Scooby Snax (Orange), Smacked (Lemon Lime), and Smacked (Strawberry).

49. Legalherbalbud's products are non-prescription drugs and thus, commodities pursuant to Agriculture and Markets Law § 191(4).

50. Legalherbalbud's product labels do not comply with the labeling requirements set forth in Agriculture and Markets Law § 194 because they (a) offer for sale and have sold mislabeled and/or misbranded synthetic marijuana products that are not clearly identified as synthetic marijuana; and (b) offered for sale and sold mislabeled and/or misbranded products that lack statutorily required manufacturer information.

51. By reason of the foregoing, Legalherbalbud has repeatedly and persistently violated the Agriculture and Markets Law.

52. Legalherbalbud has, therefore, violated Executive Law § 63(12) by engaging in repeated or persistent illegal conduct in the carrying on, conducting or transaction of business.

SECOND CAUSE OF ACTION
VIOLATION OF EXECUTIVE LAW § 63(12)
REPEATED ILLEGALITY
VIOLATION OF EDUCATION LAW ARTICLE 137
(MISBRANDING OF DRUGS)

53. New York State Education Law §§ 6811(9) and (11) state that the misbranding of drugs is unlawful.

54. Pursuant to Education Law § 6802, a drug is defined, in part, as “[a]rticles (other than food) intended to affect the structure or any function of the body of man or animals.”

55. The following products sold by Legalherbalbud to Petitioner are drugs pursuant Education Law § 6802 since they constitute articles (other than food) intended to affect the function of the body: AK47, Black Lion, California Khronic Potpourri: 24K, California Dreams, Caution, Deadman Walking, Diablo, Green Giant, iBlown, Incredible Hulk Kush, Joker, Kisha Cole, Mind Trip, Psycho, Red Eye Jack, Red Giant, Scooby Snax (Green Apple), Scooby Snax (Orange), Smacked (Lemon Lime), and Smacked (Strawberry).

56. Pursuant to Education Law § 6815(2)(a-c)-(f-i), a drug is deemed to be misbranded:

- a. if its labeling is false or misleading in any particular;
- b. if in package form, it fails to bear a label containing the name of and place of business of the manufacturer, packer or distributor and an accurate statement of the quantity of the contents in terms of weight, measure or numerical count;
- c. if required information is not prominently and conspicuously placed on the label in such terms to render it to be likely read and understood by ordinary individuals under customary conditions and purchase of use;
- f. if its label fails to bear adequate directions for use;
- g. if it lacks adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users;

- h. if it is an imitation of another drug, or offered for sale under the name of another drug; or bears a copy, counterfeit, or colorable imitation of the trademark, label, container or identifying name or design of another drug; or
- i. if it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended or suggested in the labeling thereof

57. In considering whether a drug is misbranded because it is misleading, the court must consider (i) the representations made or suggested by the manufacturer, and (ii) in view of those representations, the failure of the manufacturer to disclose material facts with respect to the consequences which may result from the customary or usual use of the drug. See Educ. Law § 6802(13).

58. Education Laws §§ 6811(9) and (11) establish that it is a misdemeanor to sell, or receive in commerce, a misbranded drug.

59. The labels for the following products are misbranded: AK47, Black Lion, California Kronic Potpourri: 24K, California Dreams, Caution, Deadman Walking, Diablo, Green Giant, iBlown, Incredible Hulk Kush, Joker, Kisha Cole, Mind Trip, Psycho, Red Eye Jack, Red Giant, Scooby Snax (Green Apple), Scooby Snax (Orange), Smacked (Lemon Lime), and Smacked (Strawberry). The labels do not (i) identify a common name for the contents (ii) list adequate directions for use or a warning with respect to unsafe dosage or methods of use, (c) disclose potential health hazards that may result from customary and usual use of the products in the recommended dosage.

60. By reason of the foregoing, Legalherbalbud has repeatedly and persistently violated Education Law Article 137.

61. Legalherbalbud has, therefore, violated Executive Law § 63(12) by engaging in repeated or persistent illegal conduct in the carrying on, conducting or transaction of business.

**THIRD CAUSE OF ACTION
PURSUANT TO EXECUTIVE LAW 63(12)
FRAUD AND ILLEGALITY
VIOLATION OF EDUCATION LAW ARTICLE 137
(FAILURE TO REGISTER)**

62. New York State Education Law § 6808 states: “No person, firm, corporation or association shall possess drugs, prescriptions or poisons for the purpose of compounding, dispensing, retailing, wholesaling, or manufacturing, or shall offer drugs, prescriptions or poisons for sale at retail or wholesale unless registered by the department as a pharmacy, wholesaler, manufacturer or outsourcing facility.”

63. Legalherbalbud possesses drugs for the purpose of compounding, dispensing, retailing, wholesaling, or manufacturing, or offering them for sale at retail or wholesale, but is not registered by the Education Department as a pharmacy, wholesaler, manufacturer or outsourcing facility.

64. By reason of the foregoing, Legalherbalbud has repeatedly and persistently violated Education Law, Article 137.

65. Legalherbalbud has therefore, violated Executive Law § 63(12) by engaging in repeated or persistent illegal conduct in the carrying on, conducting or transaction of business without registering with the Education Department.

**FOURTH CAUSE OF ACTION
PURSUANT TO EXECUTIVE LAW 63(12)
FRAUD AND ILLEGALITY
VIOLATION OF GENERAL BUSINESS LAW § 130
(FAILURE TO FILE A CERTIFICATE OF AN ASSUMED NAME)**

66. General Business Law § 130 mandates that any person who conducts a business under a name other than his or her legal name must file a certificate providing the name or designation with the office of the clerk in the county in which the business is conducted.

67. Niaz Khan is the registered owner of Legalherbalbud.com. Niaz Khan resides at and conducts business from 4705 Center Boulevard, Queens, New York 11109.

68. Niaz Khan, Phillip Pulcca, Aida Guach, and Lisanka Sanchez have repeatedly and persistently violated General Business Law § 130 by doing business as Legalherbalbud.com without having filed a certificate of assumed name in Queens County.

69. Legalherbalbud's violation of General Business Law §130 constitutes repeated and persistent illegal conduct in violation of Executive Law § 63(12).

**FIFTH CAUSE OF ACTION
VIOLATION OF EXECUTIVE LAW 63(12)
(FRAUD)**

70. Executive Law § 63(12) defines "fraud" or "fraudulent" to include any device, scheme or artifice to defraud and any deception, misrepresentation, concealment, suppression, false pretense or unconscionable contractual provisions.

71. Legalherbalbud has engaged in fraudulent business practices by (a) offering for sale and selling mislabeled and/or misbranded products for consumer use; (b) offering for sale and selling drugs that are not identified by their common name (c) offering for sale and selling mislabeled and/or misbranded products without disclosing significant health hazards that may result from customary and usual use of the products in the recommended dosage; (d) offering for sale and selling mislabeled and/or misbranded products without proper directions for use; (e) offering for sale and selling mislabeled and/or misbranded products that lack statutorily required manufacturer information.

72. By reason of the conduct alleged above, Legalherbalbud engaged in repeated, persistent, illegal and/or fraudulent business conduct in violation of Executive Law § 63(12).

73. Legalherbalbud's actions constitute repeated or persistent illegal conduct in violation of Executive Law § 63(12).

**SIXTH CAUSE OF ACTION
VIOLATIONS OF GENERAL BUSINESS LAW § 349
(DECEPTIVE ACTS AND PRACTICES)**

74. General Business Law § 349 states that deceptive acts or practices in the conduct of business, trade, commerce or the furnishing of any services in this state are unlawful.

75. Legalherbalbud has engaged in deceptive acts and practices by (a) offering for sale and selling mislabeled and/or misbranded products for consumer use; (b) offering for sale and selling mislabeled and/or misbranded products that mislead consumers by omitting material information regarding the health risks; (c) offering for sale and selling mislabeled and/or misbranded products without proper directions for use; (d) offering for sale and selling mislabeled and/or misbranded products that lack statutorily required manufacturer information.

76. By engaging in the acts and practices described above, Legalherbalbud has repeatedly or persistently engaged in deceptive business practices in violation of General Business Law § 349.

**SEVENTH CAUSE OF ACTION
VIOLATIONS OF GBL § 350
(FALSE ADVERTISING)**

77. General Business Law § 350 states that false advertising in the conduct of any business, trade or commerce or in the furnishing of any service in this state is unlawful.

78. Legalherbalbud has engaged in false advertising by mischaracterizing its synthetic marijuana products as herbal incense, potpourri, and "not for human consumption," while making contradictory statements promoting their use as drugs. Additionally, by not omitting

material information regarding the significant health risks synthetic drugs pose, consumers are deceived into believing that its products are safer than they are.

79. Legalherbalbud has engaged in false advertising by (a) offering for sale and selling mislabeled and/or misbranded products; (b) offering for sale and selling mislabeled and/or misbranded products that mislead consumers by omitting material information regarding the health risks; (c) offering for sale and selling mislabeled and/or misbranded products without proper directions for use; (d) offering for sale and selling mislabeled and/or misbranded products that lack statutorily required manufacturer information.

80. By reason of the foregoing, Legalherbalbud has repeatedly and persistently engaged in false advertising in violation of General Business Law § 350.

WHEREFORE, Petitioner respectfully requests an order and judgment:

1. permanently enjoining Legalherbalbud, and its principals, agents, trustees, servants, employees, successors, heirs and assigns, or any other person under its direction and control, whether acting individually or in concert with others, or through any corporate or other entity or device through which it may now or hereafter act or conduct business, from offering for sale and/or selling mislabeled drugs in violation of Agriculture & Markets Law § 194;
2. permanently enjoining Legalherbalbud from offering for sale and/or selling misbranded drugs in violation of Educ. Law §§ 6802 and 6815;
3. permanently enjoining Legalherbalbud from possessing drugs for the purpose of compounding, dispensing, retailing, wholesaling, or manufacturing, or offering them for sale at retail or wholesale without being registered by the Education Department as a pharmacy, wholesaler, manufacturer or outsourcing facility in violation of Education Law §§ 6808;
4. permanently enjoining Legalherbalbud from engaging in the fraudulent, deceptive and illegal practices alleged in this verified petition;
5. permanently enjoining Niaz Khan, Phillip Pulcca, Aida Guach, Lisanka Sanchez, and John and/or Jane Doe from conducting business under a name other than their legal names without having filed a certificate of assumed name in the county where they conduct their business;

6. permanently enjoining the website Legalherbalbud.com from continuing to conduct business of any kind;
7. directing Legalherbalbud comply with any and all state, local or federal labeling requirements;
8. directing Legalherbalbud to disgorge all profits resulting from the fraudulent and illegal practices alleged herein;
9. directing Legalherbalbud to prepare an accounting of all commodities it sold, or offered for sale, from January 1, 2013 to the date of the judgment of this Court including:
 - a. the name of the product
 - b. the manufacturer and/or distributor of the product
 - c. a description of the product
 - d. the retail price of the product
 - e. the number of units of the product sold and
 - f. the names and contact information of its customers;
10. permanently enjoining Legalherbalbud from, directly or indirectly, destroying or disposing of any records pertaining to their business;
11. directing Legalherbalbud to notify Petitioner of any change of address within five days of such change;
12. directing Legalherbalbud to pay a civil penalty of \$5,000, for each deceptive act which violated General Business Law Article 22-A pursuant to General Business Law §350-d;

13. awarding Petitioner additional costs of \$2,000 against Respondents pursuant to Civil Practice Law & Rules § 8303(a)(6); and
14. granting such other and further relief as the Court deems just and proper.

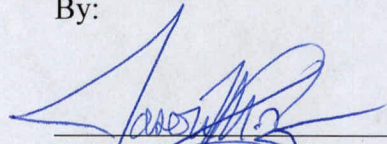
Dated: New York, New York
August 11, 2016

Respectfully submitted,

ERIC T. SCHNEIDERMAN
Attorney General of the State of New
York

Attorney for Petitioner

By:



JASON M. CLARK
Assistant Attorney General
Harlem Regional Office
163 West 125th Street
New York, New York, 10027
(212) 364-6010

VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

JASON M. CLARK, an attorney duly admitted to practice law in the courts of the State of New York, being duly sworn, deposes and says:

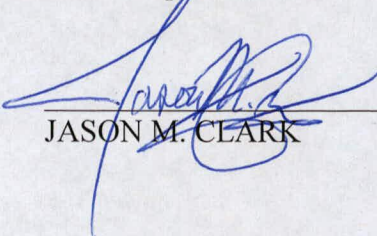
1. I am an Assistant Attorney General in the Office of New York State Attorney General Eric T. Schneiderman, and am duly authorized to make this verification.

2. I make this verification pursuant to CPLR § 3020(d)(2), as I am acquainted with the facts and circumstances of the matters alleged herein. The basis of my knowledge, are the files of the Office of the New York State Attorney General's Harlem Regional Offices.

3. The petition herein is true of my own knowledge, except to the matters stated to be alleged upon information and belief, and as to those matters I believe them to be true.

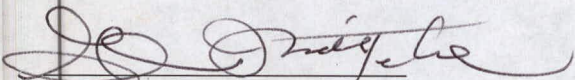
4. I certify to the best of my knowledge, information and belief that the contents of the verified petition are not frivolous.

5. The reason this verification is made by petitioner is that the petitioner is a body politic and the Attorney General is its duly authorized representative.



JASON M. CLARK

Sworn to before me this
11th day of August, 2016



NOTARY PUBLIC

GLENN NICHTENHAUSER
Notary Public, State of New York
Qualified in Queens County
No. 01NI4983666
Commission Expires July 1, 2019

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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

Petitioner,

-against-

NIAZ KHAN, PHILLIP PULCCA, AIDA GUACH,
LISANKA SANCHEZ, JOHN DOE and/or JANE DOE
d/b/a LEGALHERBALBUD.COM

Respondents.
-----X

**AFFIRMATION OF
JASON M. CLARK**

IAS Part _____

Index No. _____

Assigned Justice

JASON M. CLARK, an attorney admitted to practice law in the State of New York,
affirms the following under the penalty 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"). I am familiar with the facts and
circumstances of this proceeding.

2. The facts set forth in this affirmation are based upon information in the files of the
Harlem Regional Office.

3. I submit this affirmation in support of Petitioner's application for a temporary
restraining order and relief sought in the verified petition, including injunctive relief, costs and
penalties pursuant to Executive Law § 63(12), Agricultural & Markets Law § 194, and Education
Law Article 137, §§ 6808 and 6815, General Business Law Article 22-A, §§ 349 and 350, and
General Business Law § 130.

4. Petitioner respectfully seeks an order enjoining Niaz Khan, Phillip Pulcca, Aida
Guach, Lisanka Sanchez and John and/or Jane Doe, doing business as Legalherbud.com

(collectively referred to as “Legalherbalbud” or “Respondents”), from engaging in illegal and deceptive business practices in connection with the operation of a business that sells mislabeled and misbranded designer drugs that pose an immediate threat to the health and safety of the consuming public; and to obtain civil penalties and costs, as authorized by statute to be paid to the State of New York.

5. Petitioner also seeks a temporary restraining order a) restraining Legalherbalbud from offering for sale or selling mislabeled and/or misbranded designer drugs, and from offering and/or selling drug products such as synthetic marijuana or other street drug alternatives that are not approved for human consumption; b) restraining Legalherbalbud, pursuant to CPLR §§ 6301 and 6313, from directly or indirectly destroying, selling or disposing of any products, inventory, or records pertaining to the business, including but not limited to financial, purchase orders, sales and customer records; and c) temporarily freezing bank accounts and/or brokerage accounts holding funds in the name, or of credit, of each Respondent.

6. In support of the Verified Petition, Petitioner has submitted the following affidavits with supporting exhibits, annexed hereto:

Exhibit A: New York State Attorney General Investigator Chad Shelmidine;

Exhibit B: New York State Attorney General Investigator Cynthia Kane;

Exhibit C: Metropolitan Hospital Center’s Chief Medical Officer Dr. John Pellicone, and

Exhibit D: Web.com Records¹ Custodian Linda Shutterly.

¹ Once an individual or business registers a domain name, the registrant’s identification and contact information must be added to a public database named WHOIS. Perfect Privacy is a business that populates the “WHOIS” database with Perfect Privacy LLC’s identification and contact information for a monthly fee. Perfect Privacy is able to conceal the registrant’s identification and contact information from consumers and/or, to some degree, law enforcement agencies.

PARTIES

7. Petitioner is the People of the State of New York, by Eric T. Schneiderman, Attorney General of the State of New York.

8. Respondent Niaz Khan is a principal of Legalherbalbud.com.² See Affidavit of Web.com Records Custodian Linda Shutterly (“Shutterly Affidavit”), attached as Exhibit D to the Clark Affirmation, at ¶ 4; see also Legalherbalbud.com’s Perfect Privacy Billing Records, attached as Exhibit O to the Clark Affirmation. Mr. Khan is responsible for the operations of the business, has participated in, and has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein. Mr. Khan resides at and conducts business from 4705 Center Boulevard, Queens, New York 11109. See id. at p. 18. Mr. Khan has not filed a certificate of assumed name for Legalherbalbud.com, nor does Legalherbalbud.com have a certificate of registration to conduct business as a pharmacy, wholesaler, manufacturer or outsourcing facility. See “Queens County Certificate Confirming the Nonfiling of Any Assumed Name Certificate” for Respondent Niaz Khan, attached as Exhibit F to the Clark Affirmation, at p. 1; see also State Education Department, Certification of Records to Operate as a Pharmacy Not Possessed by the NYS Education Department (“NYS Education Dept’s Certificate of Records Not Possessed”), attached as Exhibit E to the Clark Affirmation.

9. Respondent Phillip Pulcca is another principal of Legalherbalbud.com. See Legalherbalbud.com’s Perfect Privacy Billing Records, at p.1, Exhibit O. Upon information and belief, he is responsible for the financial operations of Legalherbalbud.com. Further, Mr. Pulcca has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein. Mr. Pulcca resides at 40-01 12th Street, Apt 6D, Long Island City, New

² Respondents’ collective name alone, “Legalherbalbud,” strongly suggests that Respondents sell a product it is mischaracterizing to be a ‘legal’ form of herbal ‘bud’ (i.e. marijuana).

York 11101. See id. at pp. 12, 14, and 18. Mr. Pulcca has not filed a certificate of assumed name for Legalherbalbud.com. See Queens County Certificate Confirming the Nonfiling of Any Assumed Name Certificate by Respondent Phillip Pulcca, at p. 2, Exhibit F.

10. Respondent Aida Guach is another principal of Legalherbalbud.com. During Petitioner's investigation, Legalherbalbud.com directed an undercover investigator to authorize Aida Guach to retrieve a Western Union money transfer as payment for Legalherbalbud.com's products on January 28, 2016, February 19, 2016, and June 14, 2016. See Shelmidine Affidavit, Clark Affirmation, Exhibit A at ¶¶ 24, 31, 46. Ms. Guach has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein. Upon information and belief, Ms. Guach resides at 905 Tinton Ave., Apt. 13F, Bronx, New York 10456-7423. Ms. Guach has not filed a certificate of assumed name for Legalherbalbud.com. See Queens County Certificate Confirming the Nonfiling of Any Assumed Name Certificate by Respondent Aida Guach, at p. 3, Exhibit F.

11. Respondent Lisanka Sanchez is another principal of Legalherbalbud.com. During Petitioner's investigation, Legalherbalbud.com directed an undercover investigator to authorize Lisanka Sanchez to retrieve a Western Union money transfer as payment for Legalherbalbud.com's products on June 3, 2016. See Shelmidine Affidavit, Clark Affirmation, Exhibit A at ¶ 42. Ms. Sanchez has knowledge of the fraudulent and illegal conduct, false advertising, and deceptive acts and practices alleged herein. Ms. Sanchez resides at 30 Cooper Street, Apt 2C, New York, New York 10034. Ms. Sanchez has not filed a certificate of assumed name for Legalherbalbud.com. See Queens County Certificate Confirming the Nonfiling of Any Assumed Name Certificate by Respondent Lisanka Sanchez, at p. 4, Exhibit F.

12. Respondent John Doe and/or Jane Doe is an as yet unknown potential principal of Legalherbalbud.com, insofar as he or she effectuated the acquisition, marketing, distribution, and other facilitation of illegal synthetic marijuana-styled designer drugs and received monetary compensations for his or her actions. Respondents Niaz Khan, Phillip Pulcca, Aida Guach, Lisanka Sanchez, and John Doe and/or Jane Doe are collectively referred to as “Legalherbalbud” or “Respondents.”

13. Because of Petitioner’s legitimate concern that Legalherbalbud will transfer, convert, or otherwise dissipate assets if given notice in this proceeding, Petitioner has not served Respondents with the notice provided for in General Business Law sections 349(c) and 350-c. Instead, Petitioner submitted an Order to Show Cause for a Temporary Restraining Order to the Ex Parte Clerk pursuant to Rule 202.7(f) of the Uniform Rules of New York State Trial Courts.

INTRODUCTION

14. Petitioner conducted an extensive undercover investigation that has established that Legalherbalbud is selling designer drug products that are misbranded and mislabeled in violation of New York State laws. Broadly, these products lack proper product manufacturer and identification information, as well as proper health warnings and directions for use. Its labels are also replete with misinformation likely meant to shroud the true nature of their contents. Further, Legalherbalbud’s deceptive advertising and business practices obscure the highly dangerous nature of its illegal products.

15. During the investigation, Attorney General Investigator Shelmidine posed as a retail store owner seeking to purchase designer drugs from Legalherbalbud for resale. See Affidavit of New York State Attorney General Senior Investigator Chad Shelmidine (“Shelmidine Affidavit”), attached as Exhibit A to the Clark Affirmation, at ¶ 19. The investigation uncovered extensive evidence of Legalherbalbud repeatedly violating New York

State Executive Law § 63(12) by persistently violating New York State labeling laws. The investigation also uncovered false advertising, deceptive business practices and other forms of illegality in violation of New York General Business Law §§ 349 and 350. The supporting affidavits of Investigators Chad Shelmidine and Cynthia Kane, Metropolitan Hospital Center's Chief Medical Officer Dr. John Pellicone, and Web.com Records Custodian Linda Shutterly establish that Legalherbalbud routinely defrauds consumers by selling synthetic drugs that are mislabeled, falsely advertised, and misbranded as "herbal incense," "potpourri," and "not for human consumption," in violation of state laws, and did so as an unregistered pharmacy.

16. Without a temporary restraining order prohibiting Legalherbalbud from selling misbranded and mislabeled drugs, and freezing Respondents' bank accounts, there is a high probability that Respondents will continue to sell toxic products that may irreparably injure the consuming public.

BACKGROUND

17. The sale of designer drugs, including synthetic marijuana, has led to a public health crisis throughout New York State. From April 6, 2015 to June 30, 2015, the number of synthetic marijuana patients admitted to critical care units in New York State increased 44% when compared with admission numbers from April 1, 2011 to June 5, 2015. See NEW YORK STATE DEPARTMENT OF HEALTH REGULATION - Synthetic Phenethylamines and Synthetic Cannabinoids (SP & SC) Prohibited (January 2, 2013) p. 8, https://www.health.ny.gov/regulations/recently_adopted ("NYS Department of Health Synthetic Phenethylamines & Synthetic Cannabinoids Regulation"), attached as Exhibit K to the Clark Affirmation. In fact, from January 1, 2015 through December 31, 2015, there were over 4,500 synthetic cannabinoid-related visits to New York City emergency departments. See New York City Department of Health & Mental Hygiene 2015 Advisory #36: Increase in Synthetic

Cannabinoid (K2)-Related Adverse Events & Emergency Department New York City Visits (“NYC Department of Health 2015 Advisory #36”), attached as Exhibit L to the Clark Affirmation, p. 2. Nationally, there were fifteen deaths attributed to synthetic marijuana nationwide last year, including one in New York City. See generally, id.; see also NYS Department of Health Synthetic Phenethylamines & Synthetic Cannabinoids Regulation, Exhibit K, at p. 8.

18. As recently as July 12, 2016, 33 New York City residents were hospitalized for synthetic marijuana overdoses, which escalated to 130 victims by the end of that week. Eli Rosenberg & Nate Schweber, “33 Suspected of Overdosing on Synthetic Marijuana in Brooklyn, N.Y. Times” July 13, 2016, attached as Exhibit N to the Clark Affirmation, at 1; see also Sarah Nir, “K2 Overdoses Surging in New York: At Least 130 Cases This Week Alone,” N.Y. Times, July 15, 2016, attached as Exhibit N to the Clark Affirmation, at 1.

19. According to the United States Food & Drug Administration (“FDA”), “street drug alternatives” 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) purport to “mimic the effects of controlled substances.” See FDA’s Guidance for Industry: Street Drug Alternatives (“FDA Street Drug Alternatives Guide”), attached as Exhibit G to the Clark Affirmation, at ¶ 3. Albert Hofmann, an early synthetic drug chemist, noted that synthetic drug manufacturers are constantly changing their formulas to keep their drugs off government controlled substances lists:

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.

Gregory Kau, Comment, Flashback to the Federal Analog Act of 1986: Mixing Rules & Standards in the Cauldron, 156 U. Pa. L. Rev. 1077, 1083 (2008) (quoting Albert Hofmann), attached as Exhibit J to the Clark Affirmation.

20. The United States Drug Enforcement Administration ("DEA") has used its emergency scheduling authority to control five types of synthetic cannabinoids. See Office of National Drug Control Policy: Synthetic Drugs, <https://www.whitehouse.gov/ondcp/ondcp-fact-sheets/synthetic-drugs-k2-spice-bath-salts> (last visited July 15, 2016), attached as Exhibit H to the Clark Affirmation p. 2. The federal government has also enacted the Synthetic Drug Abuse Prevention Act, permanently classifying twenty-six forms of synthetic chemicals (including synthetic marijuana analogues) as prohibited substances. See id. In 2012, New York State Health Commissioner Nirav Shah issued an order of summary action banning the sale of synthetic cannabinoid products in New York State. See IN RE THE SALE AND DISTRIBUTION OF SYNTHETIC CANNABINOIDS, Order of Summary Action, New York State Department of Health (March 28, 2012), attached as Exhibit I to the Clark Affirmation. On August 3, 2015, New York City Department of Health & Mental Hygiene ("DOHMH") Commissioner Mary T. Bassett followed suit issuing an order for summary action prohibiting the sale and distribution of all products containing synthetic cannabinoids. See IN RE ORDER OF THE COMMISSIONER TO RETAIL VENDORS OF PRODUCTS CONTAINING SYNTHETIC CANNABINOIDS IN THE CITY OF NEW YORK, Order of Summary Action, New York City Department of Health & Mental Hygiene (dated August 3, 2015), attached as Exhibit M to the Clark Affirmation. The 2015 DOHMH order prohibits the sale of any synthetic cannabinoids

misbranded as “herbal incense,” and specifically bans 111 popular brands, including the following specific products sold by Legalherbalbud to the Petitioner: AK47, California Kronic, Caution, Diablo, Green Giant, iBlown, Joker, Kisha Cole, Psycho, Red Eye Jack, Red Giant, Scooby Snax, and Smacked. See id. at p. 3.

FACTS

21. Niaz Khan is the registered subscriber for Legalherbalbud.com. See Shutterly Affidavit, Clark Affirmation, Exhibit D, at ¶ 4.

22. In total, 19 smokeable designer drug brands were purchased online by the petitioner from Legalherbalbud on January 28, 2016, February 19, 2016, March 31, 2016, and June 14, 2016. Affidavit of New York State Attorney General Supervisory Investigator Cynthia Kane (“Kane Affidavit”), attached as Exhibit B to the Clark Affirmation, at ¶¶ 6, 16, 29, 40. The drugs purchased during this investigation were: AK47, Black Lion, California Kronic Potpourri: 24K, Caution, Deadman Walking, Diablo, Green Giant, iBlown, Incredible Hulk Kush, Joker, Kisha Cole, Mind Trip, Psycho, Red Eye Jack, Red Giant, Scooby Snax (Green Apple), Scooby Snax (Hydro), Smacked (Lemon Lime), and Smacked(Strawberry). See id.

23. As of December 24, 2015, the Legalherbalbud website advertised the following additional products for sale: Bizarro, Shaggy’s Mix, Jazz Mango, Pineapple Kush, Insane, Orgazmo, Bomb Marley, OMG, Krazy Jack, and California Dreams. See Affidavit of Senior Investigator Chad Shelmidine (“Shelmidine Affidavit), attached as Exhibit A to the Clark Affirmation, Ex. A-6, at p. 3. The terms “K2” and “Spice” are common slang terms for synthetic marijuana or similar designer drugs. See Office of National Drug Control Policy: Synthetic Drugs, Exhibit H, at p. 1.

24. For each drug marketed on the Legalherbalbud website, there is a picture of the drug package, and a statement that reads "Legal Herbal Spice for Sale K2 Alternative." See, e.g., Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Exs. A-7, A-8, A-9. Representative examples of how the drugs are marketed on the website are as follows:

- a. *****Green Giant 100% Legal Herbal Spice For Sale K2 Alternative 3G. \$32.99 \$29.99
- b. *****AK-47 100% Legal Herbal Spice For Sale Potent K2 Alternative 5G\$34.99 \$29.99
- c. *****Diablo 100% Legal Herbal Spice For Sale K2 Alternative 4G \$30.99 \$29.99
- d. *****IBlown Legal Herbal Spice For Sale K2 Alternative 8G 55.99 \$49.99
Id.

25. Representative examples of the customer reviews Legalherbalbud posted on its website include the following:

- a. "Awesome product one of the strongest k2 herbal incense out on the market right now, great buzz without that weird feeling you get with others. Enjoy this one."
- "Jimmy D from Brielle, New Jersey," March 4, 2016 (Referring to *Psycho*).
Id. at Ex. A-9, p. 10.
- b. "Best herb I have ever smoked[. I] just ordered more today can't wait[. T]oo bad [the United States Postal Service] is slow as hell."
- "Jonathan McCoy from Orange va," December 30, 2015 (Referring to *AK47*).
Id. at Ex. A-7, p. 2.
- c. "Best K2 yet hands down. We toke on weekends and this is WICKED."
- "Big T from Hawaii," November 24, 2015 (Referring to "Scooby Snax").
Id. at Ex. A-9, p. 13.
- d. "This stuff is awesome if you want to feel like you've done every drug at one time. I for one do not want to feel that way which is why I threw what was left of mine away."
- "Nate from USA", November 19, 2015 (Referring to *AK47*).
Id. at Ex. A-7, p. 2.

- e. “Hi peeps my name is john alanis [a]nd I would recommend ak-47 for everyone who loves to get up in the clouds without failing a DT [Drug Test].”
- “*John alanis from Utah USA,*” *October 12, 2015 (Referring to AK47).*
Id. at Ex. A-7, p.1.
- f. “I ordered 4 caution gold, and received Diablo 5G but let me tell you it only takes a whiff and reality fades quicker than a bleached shirt. This product is a one hit wonder.”
- “*Andrew from Gadsen AL,*” *September 24, 2014 (Referring to Diablo).*
Id. at Ex. A-9, p.1
- g. “Not the best I ever had, but definitely not a bad product at all. The buzz is significant, but now overwhelming and lasts about 10-20 minutes. A definite safe bet.”
- “*Damien from Maryland,*” *September 17, 2014 (referring to California Kronik:24K).*
Id. at Ex. A-9, p.15.
- h. “I absolutely love this product. I am in the military so I can’t smoke the real thing...but this is better than the real thing. Strongly recommend it.”
- “*Jason from LA,*” *January 29, 2014, (Referring to Green Giant).*
Id. at Ex. A-8, p.1

26. The Legalherbalbud Facebook page, located at

www.facebook.com/LegalHerbalbud, also contained statements which further confirm that its products are being sold for drug effect.

27. As of December 31, 2015, the Legalherbalbud Facebook page’s “About Us” section read as follows:

“We provide only the best quality herbal incense and k2 alternative spice. Please like our page if you feel marijuana and natural herbs should be legal. <http://www.LegalHerbaBud.com>.”
Id. at Ex. A-10.

28. The administrator of the Facebook page, referred to by the pseudonym “Herbal Incense,” posted a video for the Legalherbalbud product “Scooby Snax.”³ On the video, the user describes Scooby Snax by saying “it’s the extra potent one, has better taste, texture, brings a lot

³ The “Scooby Snax” package includes an image of the popular children’s cartoon character, Scooby Doo. (See Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Exs. A-9, p. 3, B-10, p. 11-12.

more in a sense of smoking. You got a lot of joints here, about a hundred joints, who knows, depending how you smoke ‘em.” Shelmidine Affidavit, Clark Affirmation, Exhibit A, at ¶ 16.

29. Representative examples of Facebook posts made by “Herbal Incense” include the following:

- a. January 30, 2014: “Rule #1: Don’t get high on your own supply...failed miserably lol. www.LegalherbalBud.com”
Id. at Ex. A-10 at p. 9.
- b. February 1, 2014: “100% Legal Potent Herbal Incense 2014 ‘Spice’ Available Now For Cheap With FREE SHIPPING to every state! Visit www.LegalHerbalBud.com to get top quality legal weed alternative. Roll one up now!”
Id.
- c. May 14, 2014 : “Lighting up a fatty.”
Id. at p. 3.

30. Legalherbalbud disseminates emails to its established customers which demonstrate, again, that its products are sold for drug effect. See, e.g., Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Exs. A-14, A-31, A-37. For example, on the packaging for the Legalherbalbud product AK47 it reads, inter alia, “Use as directed only. Do not intentionally inhale, ingest or burn for any reason...AK-47 is a [sic] aroma therapy product and is intended to create aroma only and is not intended for consumption.” Kane Affidavit, Clark Affirmation, Exhibit B, at Ex. B-6. However, in a February 13, 2016 e-mail promoting AK47, Legalherbalbud writes:

This little O.G. has been re-branded to be more potent than before. When our retailers told us this, we knew we had to market it right away...**Keep in mind it’s not the packaging but what is inside it :-).**
Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Ex. A-16, p. 2
(emphasis added).

31. Legalherbalbud further claims on its website that all its products are “legal,” even though it knows this not to be the case. Legalherbalbud’s homepage states:

Welcome to Legal Herbal Bud! We are rated #1 for the cheapest most potent Herbal Incense around! **100% legal popular Potpourri spice blends** with FREE SHIPPING and tracking to all 50 States! We hand pick all our products to ensure that we are sending you only the very best blends while having the CHEAPEST prices available!

Id. at Ex. A-6, p. 1.

32. On June 13, 2016, Legalherbalbud sent the following e-mail promotion for the product “Red Giant:”

This product is now banned in NEW YORK, however it is still legal in all other states. Please note if you are from NEW YORK CITY please do not purchase this product as it may cause legal issues in your state. Due to high potency and recent chemical upgrades since it is brand new other states have not yet caught up.

Id. at Ex. A-31, p. 2.

33. Legalherbalbud subsequently sold 14 packages of Red Giant to Petitioner and delivered them to a New York City Post Office address located in East Harlem. See Shelmidine Affidavit, Clark Affirmation, Exhibit A, at ¶ 45-47. New York customers who visit Legalherbalbud’s website, observe the “100 legal Popular Spice blends” proclamation on the homepage, and then proceed to purchase Red Giant, are likely to be misled into believing they are purchasing a legal product.

**LEGALHERBALBUD’S PRODUCTS ARE INADEQUATELY AND FALSELY
LABELED**

Executive Law § 63(12): Repeated Violation of Agriculture & Markets Law § 194

34. Legalherbalbud sells products for their drug effects. Therefore, by selling and offering for sale commodities with inadequate and false labels, Legalherbalbud has violated New York Agriculture & Markets Law § 194 and 1 New York Codes, Rules & Regulations Part 221. According to both laws, commodity labels must include the following: 1) the common or usual

name of the product (see 1 NYCRR § 221.3; Agric. & Mkts. § 194); 2) the name and address of the manufacturer, packer or distributor (see 1 NYCRR § 221.4; Agric. & Mkts. § 194); and 3) an accurate listing of the quantity or weight of the product's contents (see 1 NYCRR § 221.5).

35. Here, none of Legalherbalbud's labels identify the products as synthetic marijuana. See Kane Affidavit, Clark Affirmation, Exhibit B, at Exs. B-3 through B-7, B-10 through B-15, B-18 through B-22, B-25 through B-27.

36. Second, none of Legalherbalbud's labels include the name and address of its manufacturer, packer, or distributor. See id.

37. Third, while most of the packages appear to include quantity listings, these listings are not always accurate, which Legalherbalbud has even acknowledged. For example, in an April 2, 2016 e-mail Investigator Shelmidine received from Legalherbalbud for the product "Green Giant," the e-mail states that "Even though [the package] says 3G, you get 2 extra grams for free." See Shelmidine Affidavit, Clark Affirmation, Exhibit A, at A-20. Given that the label only says 3G, a person who purchased this product and had not received the aforementioned e-mail would be under the false impression that he or she was only consuming 3 grams of synthetic marijuana. Inaccurate quantity listings for drugs can lead to consumer overdoses and other serious health incidents.

38. Legalherbalbud's products do not meet the minimal labeling standards set forth by Agriculture and Markets Law § 194, and are therefore, being illegally sold. Legalherbalbud's repeated and persistent selling of illegal drugs constitutes a violation of Executive Law § 63(12).

THE PRODUCTS ARE ILLEGALLY LABELED

Executive Law § 63(12): Repeated Violations of Education Law § 6815

39. Legalherbalbud has further engaged in repeated and persistent illegality by selling mislabeled and misbranded drugs in violation of Education Law § 6815. 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 of 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).

40. The products Legalherbalbud sold Petitioner are misbranded insofar as they contain false and misleading information, lack sufficient manufacturer information, fail to bear directions for use or adequate warnings, fail to include dosage or methods of use, and fail to warn that the products are dangerous even when used as intended. The chart below documents how the products Petitioner purchased from Legalherbalbud failed to comply with New York's Education law § 6815 and Agriculture and markets Law § 194.

<u>NAME</u>	1 NYCRR 221.3	1 NYCRR 221.4	Ed. Law 6815(2)(a)	Ed. Law 6815(2)(b)	Ed. Law 6815(2)(e)	Ed. Law 6815(2)(f)	Ed. Law 6815(2)(i)
	No Common Identity Name	Insufficient Mfg. Info	False/ Mislead. Info	Insufficient Mfg. Info	No Common/ Usual Name	Inadequate Directions/ Unsafe Dosage	Danger. as Used
AK47	X	X	X	X	X	X	X
Black Lion	X	X	X	X	X	X	X
California Kronic Potpourri: 24K	X	X	X	X	X	X	X
Caution	X	X	X	X	X	X	X
Deadman Walking	X	X	X	X	X	X	X
Diablo	X	X	X	X	X	X	X
Green Giant	X	X	X	X	X	X	X
iBlown	X	X	X	X	X	X	X
Incredible Hulk Kush	X	X	X	X	X	X	X
Joker	X	X	X	X	X	X	X
Kisha Cole	X	X	X	X	X	X	X
Mind Trip	X	X	X	X	X	X	X
Psycho	X	X	X	X	X	X	X
Red Eye Jack	X	X	X	X	X	X	X
Red Giant	X	X	X	X	X	X	X
Scooby Snax (Green Apple)	X	X	X	X	X	X	X
Scooby Snax(Hydro)	X	X	X	X	X	X	X
Smacked (Lemon Lime)	X	X	X	X	X	X	X
Smacked (Strawberry)	X	X	X	X	X	X	X

General Business Law §§ 349 & 350 Violations

False Advertising

41. General Business Law § 350 states that “[f]alse advertising in the conduct of any business, trade or commerce or in the furnishing of any service in this state is hereby declared unlawful.” False advertising is defined as advertising that is “misleading in a material respect.”

To determine whether an advertisement is misleading:

[T]here shall be taken into account (among other things) not only representations made by statement, word, design, device, sound or any combination thereof, but also the extent to which the advertising fails to reveal facts material in the light of such representations with respect to the commodity. . . to which the advertising relates under the conditions prescribed in said advertisement, or other such conditions as are customary and usual.

General Business Law § 350(a).

42. Legalherbalbud falsely advertises its synthetic marijuana products as herbal incense and potpourri on its product packaging, website and Facebook page. See e.g., Kane Affidavit, Clark Affirmation, Exhibit B, at Exs. B-4, B-7; Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Exs. A-6, A-10, at p. 1, 9, 10. It also markets them as “not for human consumption” when in truth, they are being sold for their drug effects, which require ingestion. See, e.g., Kane Affidavit, Clark Affirmation, Exhibit B, B-14, at p. 2; Affidavit of Metropolitan Hospital Center Chief Medical Officer Dr. John Pellicone (“Pellicone Affidavit”), attached as Exhibit C to the Clark Affirmation, at ¶¶ 2, 11. Legalherbalbud’s assertions are not only inaccurate, but contradicted by its own statements located on its website, Facebook page, and e-mail advertisements. By failing to clearly advertise its products as synthetic marijuana, and omitting important information about the health risks synthetic marijuana poses, Legalherbalbud is engaging in false advertising.

Product Packaging

43. While each package is slightly different, each of them is deficiently and deceptively labeled. Most of the products are deceptively characterized as “herbal incense” and/or “potpourri.” See e.g., Kane Affidavit, Clark Affirmation, Exhibit B, at Exs. B-4, B-7. Furthermore, many of the packages also include a deceptive disclaimer stating “not for human consumption.” Id. at Exs. B-19 through B-22.

Legalherbalbud Website

44. Additionally, the customer reviews Legalherbalbud posts on its website are not just testimonials, but also business advertisements encouraging consumers to buy and smoke Legalherbalbud products. When a business chooses to publish customer reviews on its website, the reviews become advertisements because they are being used to entice consumers into buying the business’s products.

45. The customer reviews on the Legalherbalbud website make clear that the writers are using Legalherbalbud’s products as drug alternatives. See, e.g., Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Exs. A-7 through A-9. In choosing to publish these reviews on its website, it would be reasonable for a consumer to conclude that despite the “herbal incense,” “potpourri,” and “not for human consumption” labels, Legalherbalbud is selling these products for human consumption and drug purposes.

Deceptive Business Practices

46. General Business Law § 349(a) prohibits businesses and individuals from engaging in “[d]eceptive acts or practices in the conduct of any business, trade or commerce or in the furnishing of any service” in the State of New York.

Deceptively Labeled and Falsely Advertised as “Herbal Incense,” “Potpourri” and “Not for Human Consumption”

47. Legalherbalbud characterizes its products as “herbal incense,” “potpourri,” and “not for human consumption,” but many of its products are well known brands of synthetic marijuana. AK47, California Kronic, Caution, Diablo, Green Giant, iBlown, Psycho, Red Eye Jack, Red Giant, Scooby Snax and Smacked are not only products Legalherbalbud sold Petitioner, but also products that are specifically identified as embargoed synthetic cannabinoid products in New York City Department of Health & Mental Hygiene Commissioner Mary T. Bassett’s November 24, 2015 Order for Summary Action. See IN RE ORDER OF THE COMMISSIONER TO RETAIL VENDORS OF PRODUCTS CONTAINING SYNTHETIC CANNABINOIDS IN THE CITY OF NEW YORK, Order of Summary Action, New York City Department of Health & Mental Hygiene, Exhibit M, at p. 3.

48. Furthermore, Legalherbalbud brazenly sold synthetic drugs to an undercover investigator even after Investigator Shelmidine explicitly revealed to the representative that he was purchasing it for consumption purposes. On May 31, 2016, Investigator Shelmidine wrote Legalherbalbud representative “Samantha from the Wholesale Department” the following e-mail:

Hey Samantha, I'm ready to make another order. I know I missed your big wholesale weekend sale but that's ok. I've just been very busy!! I'd like to make another order for 35 bags. First I need 5 bags of your AK-47. I promised one of my customers I would order more of that for him. He said that is the most potent stuff he has ever smoked and can still feel the effects from it more than three hours later. He has been coming into the store almost every day asking for more so he will be happy when this next shipment comes in!!

Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Ex. A-25.

That same day, Samantha provided the following response:

Good morning! :) Busy is good in the business, anyway I will check first from our Shipping Incharge [sic] if we have those products that you wanted. Because last week [sic] items are easily run [sic] out of stock since we have the weekend sale! Good to hear that your customer [sic] love our Ak47, honestly it is really one of our top seller [sic]. I'll get back to you as soon as I have a reply already.

Id.

Legalherbalbud's response reflects acknowledgment and satisfaction that a consumer has used its product as an ingested drug. It also demonstrates a willingness to offer and sell more products to the undercover investigator even though Legalherbalbud knows that the drugs are being purchased for drug use.

Deceptively Fails to Disclose Significant Health Warnings

49. In light of the customer reviews previously discussed in this affirmation, it is clear that Legalherbalbud's customers are aware that Legalherbalbud's products are synthetic drugs even though they are falsely marketed as potpourri or herbal incense. Yet, even if a consumer was aware that he or she was purchasing drugs, a reasonable consumer may not be aware of the health risks without proper warnings.

50. Synthetic marijuana can lead to a host of health conditions such as seizures, convulsions, extreme anxiety, and in some cases, even death. See Pellicone Affidavit, Clark Affirmation, Exhibit C, at ¶ 6. Yet, Legalherbalbud fails to disclose any of these risks to its consumers. Similarly, Legalherbalbud fails to provide any relevant directions for proper use which could reduce the likelihood of overdose.

51. Additionally, there is a strong likelihood that many of Legalherbalbud's customers are adolescents. Several of Legalherbalbud's products have names such as "Scooby Snacks," "Green Giant," and "The Incredible Hulk," and feature superheroes and cartoons on the front packaging. See Kane Affidavit, Clark Affirmation, Exhibit B, at Exs. B-4, B-10, B-21. On

its website, Legalherbalbud advertises a synthetic marijuana product called “OMG,” featuring “Dopey” from the Disney movie “Snow White and the Seven Dwarves” on its website. See Shelmidine Affidavit, Clark Affirmation, Exhibit A, at Ex. A-9, at p. 16. Unsuspecting children may mistake Legalherbalbud’s synthetic drugs for candy. Others may know that it is synthetic marijuana but not be aware of the significant health risks it poses because they are not proscribed on the label.

52. By failing to disclose the health risks synthetic drug use causes, Legalherbalbud is engaging in deceptive conduct.

General Business Law § 130

53. General Business Law § 130 requires that a person or partnership operating under an assumed name to register its assumed name in the county of which it is operating. Niaz Khan is the registered owner of Legalherbalbud.com, and resides at 4705 Center Boulevard, Queens, New York 11109. See Shutterly Affidavit, Clark Affirmation, Exhibit D at ¶ 4. As a result, Niaz Khan conducts business from his residence. Respondents Niaz Khan, Phillip Pulcca, Aida Guach, Lisanka Sanchez, and any unnamed John or Jane Doe, have not registered as conducting business under an assumed name in Queens County. See Queens County Certificate Confirming the Nonfiling of Any Assumed Name Certificate, p. 1-4, Exhibit F. The Queens County Clerk’s Office has no record of anyone filling a certificate of assumed name for any business referred to as Legalherbalbud.com. See id. Thus, all Respondents are in violation of General Business Law § 130.

Education Law § 6808

54. Education Law § 6808 states that “[n]o person, firm, corporation or association shall possess drugs, prescriptions or poisons for the purpose of compounding, dispensing,

retailing, wholesaling, or manufacturing, or shall offer drugs, prescriptions or poisons for sale at retail or wholesale unless registered by the department as a pharmacy, wholesaler, manufacturer or outsourcing facility.”

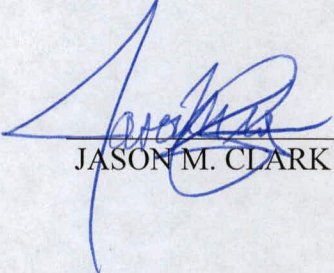
55. On January 28, 2016, February 19, 2016, May 31, 2016, and June 14, 2016 Legalherbalbud sold Investigator Shelmidine a total of 123 packets of synthetic drugs. See Shelmidine Affidavit, Clark Affirmation, Exhibit A, at ¶¶ 30, 35, 44, 46.

56. However, according to the “NYS Education Dept’s Certificate of Records Not Possessed,” Exhibit E, there is no record that Legalherbalbud.com, Niaz Khan, Phillip Pulcca, Aida Guach of Lisanka Sanchez are registered as a pharmacy, wholesaler, manufacturer or outsourcing facility in New York State.

57. Accordingly, Legalherbalbud has violated Education Law § 6808 because it has sold and offered for sale drugs without registering as a pharmacy, wholesaler, manufacturer or outsourcing facility.

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

Dated: August 11, 2016
New York, New York



JASON M. CLARK

Sir/Madam
Please take notice that within is true copy
Office of the Clerk of _____ County,
Of _____, duly filed and _____ entered in the
On the _____ day of _____, 2016
Yours, etc.

ERIC T. SCHNEIDERMAN
Attorney General,

Attorney for

Office and Post Office Address
163 West 125th Street, New York, NY 10027

To _____, Esq.

Attorney for

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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

Petitioner,

**NIAZ KHAN, PHILLIP PULCCA, AIDA GUACH,
LISANKA SANCHEZ, JOHN DOE and/or JANE DOE
d/b/a LEGALHERBALBUD.COM,**

Respondents,

**ORDER TO SHOW CAUSE,
NOTICE OF PETITION AND
PETITION**

Eric T. Schneiderman
Attorney General

Jason M. Clark, Assistant Attorney General
Attorney for Petitioner
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Tel: (212) 364-6010

Personal service of a copy of

Within

Is admitted this day of

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