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Indiana State Department of Health

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DATE: March 10, 2008

TO: All Local Health Departments
Attn: Chief Food Inspection Officer

FROM: A. Scott Gilliam, MBA, CFSP
Manager, Food Protection Program

SUBJECT: Toxic Chinese Toothpaste

The following information has been received by our office from the U.S. Food and Drug Administration (FDA) and is provided in case of consumer inquires. If you have any questions, please feel free to call this office at 317-233-7360, or visit our website at <http://www.in.gov/isdh/regsvcs/foodprot/index.htm>.

L.A. CITY ATTORNEY FILES CRIMINAL CHARGES AGAINST LOCAL IMPORTERS, DISTRIBUTORS OF 70,000+ TUBES OF TOXIC CHINESE TOOTHPASTE

LOS ANGELES – Los Angeles City Attorney Rocky Delgadillo, the City’s chief prosecutor, today announced his office, in coordination with the U.S. Food and Drug Administration (FDA), has filed criminal charges against Vernon Sales, Inc., and Selective Imports Corporation, two local companies found importing and distributing more than 70,000 tubes of toothpaste manufactured in China which contain the poisonous chemical diethylene glycol (DEG), also known as diglycol
– a substance banned from entering the United States in certain products.

Kamyab Toofer, President of Vernon Sales, Inc., and Pejman Mossay, the company’s vice-president, were each charged with 14 criminal counts for receiving, selling and delivering an adulterated drug – any product containing a banned substance. Frahad Nazarian, President of Selective Imports Corp., and Yones Ghermezi, the company’s vice-president, were also charged with two criminal counts each for receiving, selling and delivering products containing DEG. Each count carries a maximum penalty of one year in jail and a \$1,000 fine.

In addition to its common use in antifreeze and as a solvent, diethylene glycol is used in China as a thickening agent substitute for glycerin, a sweetener used in cough syrup and toothpaste. The use of DEG in toothpaste and cough syrup is strictly prohibited by the FDA as there are potential risks of toxicity and injury from chronic exposure in certain populations including children and individuals with kidney or liver disease.

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In May 2007, the FDA initiated an investigation after authorities were alerted to the importation of 74,000 tubes of “Cooldent” toothpaste from China into Long Beach. The toothpaste had been flagged for immediate impound after a similar shipment of the product to Panama by the same Chinese manufacturer was previously discovered to contain DEG.

In the course of the FDA investigation, it was discovered that between December 2005 and May 2007, approximately 78,336 tubes of Spearmint-flavored “Cooldent” toothpaste were sold by the Vernon-based Selective Imports Corporation to distributors across the country. Additionally, nearly 10,000 tubes of Fluoride “Cooldent” toothpaste were also distributed in early 2007.

Quantities of the toothpaste were purchased by Vernon Sales, Inc., which resold some of the toothpaste to stores and businesses located in the City of Los Angeles.

Investigators believe Selective Imports Corporation and Vernon Sales, Inc., in just the last 12 months alone, distributed 480 tubes of “Cooldent” toothpaste containing DEG to stores and businesses in the City of Los Angeles – most of which was placed on store shelves for purchase by the public.

Results of the investigation were forwarded to City Attorney Delgado's Corruption Fraud and Enforcement Section of the Criminal and Special Litigation Branch for prosecution by Supervising Deputy City Attorney Jerry Baik.

“The FDA Office of Criminal Investigations considers this illegal conduct very serious and is fully committed to investigating and supporting the prosecution of those who may endanger the public health with tainted products,” said Dan Henson, Special Agent in Charge, FDA Office of Criminal Investigations, Los Angeles Field Office. “We continue to look forward to working with our law enforcement partners and commend the Los Angeles City Attorney's Office for their diligence.”

FDA suggest that consumers with this product type; “Cooldent” Name brand, manufactured by Goldcredit International Enterprises from China, should call (800) 332-1088 number and then return these products to the stores they purchased from.

The City Attorney's Office and the FDA continue to investigate this problem, and will take appropriate action if other brands of toothpaste products are found to contain DEG. Consumers can report adverse reactions or quality problems experienced with the use of these products to the FDA's Med Watch Adverse Event Reporting Program at www.fed.gov/medwatch/report.htm

For additional information, including a list of recalled products, consumers are asked to visit the FDA's website on DEG in toothpaste from China at www.fda.gov/oc/opacom/hottopics/toothpaste.html.