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 County of Orange, State of California
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 3 Consumer and Environmental Protection Unit
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 5 Santa Ana, CA 92701-4575
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 6 Facsimile: (714) 796-0476

7 Attorneys for Plaintiff

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

DEC 18 2003

ALAN SLATER, Clerk of the Court
Smiddleton
 BY S. MIDDLETON

8
 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF ORANGE-CENTRAL JUSTICE CENTER

10
 11 THE PEOPLE OF THE STATE OF CALIFORNIA) CASE NO. 03CC12503
) ASSIGNED FOR ALL PURPOSES TO:
 12 Plaintiff,) JUDGE MARY F. ERICKSON
) DEPARTMENT C8
 13 vs.)
)
 14 JOHN C. H. CHEN, also known as John C. Hsiung;) STIPULATION FOR AND ORDER
 XUHUI WANG, also known as Allan Xuhui Wang;) FOR INJUNCTION AND FINAL
 15 SOPHIE S. CHEN, also known as Sophie S. Fan;) JUDGMENT
 INTERNATIONAL MEDICAL RESEARCH, INC.,)
 16 a California Corporation; BOTANICLAB; DOES)
 1 through 100, inclusive,)
 17)
 Defendants.)

18
 19 **IT IS HEREBY STIPULATED** between the Plaintiff, the People of the State of California, by
 20 and through its attorneys Tony Rackauckas, District Attorney of the County of Orange, by Byron Nelson,
 21 Deputy District Attorney, and Defendants John C. H. Chen, also known as John C. Hsiung, through
 22 attorneys Akin Gump Strauss Hauer and Feld, LLP, by Stephen A. Mansfield and Samuel P. Hulefeld;
 23 Xuhui Wang, also known as Allan Xuhui Wang, through attorneys Jones Day, by Harriet B. Leva; Sophie
 24 S. Chen, also known as Sophie S. Fan, through attorney Stephen P. Jones; and International Medical
 25 Research, Inc., an individual corporation and doing business as BotanicLab, (hereinafter sometimes called
 26 for convenience "IMR"), through attorneys Beck, De Corso, Daly, Kreindler & Harris, by Stephen P.
 27 Jones, and it appearing to the Court that the parties have stipulated and consented to the entry of Judgment
 28 on the First Amended Complaint, acknowledging having been duly served and fully advised, without the

1 taking of proof and without this Final Judgment constituting any admission by Defendants as to any issue
2 of law or fact alleged in the First Amended Complaint; and the Court having considered the matter and the
3 pleadings, and good cause appearing, therefore,

4 **IT SHALL BE ORDERED, ADJUDGED AND DECREED:**

5 **JURISDICTION**

6 1. This Court has jurisdiction of the subject matter and the parties thereto.

7 **APPLICABILITY**

8 2. The injunctive provisions of this Judgment are applicable to Defendants John C. H. Chen,
9 also known as John C. Hsiung; Xuhui Wang, also known as Allan Xuhui Wang; Sophie S. Chen, also
10 known as Sophie S. Fan; and International Medical Research, Inc., an individual corporation and doing
11 business as BotanicLab, and to all officers, employees, representatives, persons, corporations or other
12 entities acting by, through, under and/or on behalf of said Defendants, and to all officers, employees,
13 representatives, persons, corporations or other entities acting in concert with or participating with said
14 Defendants with actual or constructive knowledge of this Injunction and Final Judgment and enjoins actions
15 by, for and on behalf of each and every defendant and person set forth in this paragraph 2, individually and
16 jointly and in concert with others, in the State of California and protects and applies for the benefit of the
17 residents and domiciliaries within this State.

18 **LIABILITY**

19 3. Except as may and/or does occur with respect to all of these same parties hereto in the
20 contemporaneously existing criminal action pending in this Orange County Superior Court, Case Number
21 03CF1520, this agreement is for settlement purposes only and does not constitute an admission by
22 Defendants that the law has been violated or that the facts as alleged in this First Amended Complaint of
23 this Civil action, other than the jurisdictional facts, are true. Defendants contest the facts as alleged.

24 **DEFINITIONS**

25 4. Unless otherwise specified, the following definitions shall apply:

26 A. "DRUG" as used herein and pursuant to Health and Safety Code section 109925
27 shall mean any of the following:

28 (a) Any article recognized in an official compendium.

(b) Any article used or intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in human beings or any other animal.

(c) Any article other than food, that is used or intended to affect the structure or any function of the body of human beings or any other animal.

(d) Any article used or intended for use as a component of any article designated in subdivision (a), (b), or (c) of this section. The term "drug" does not include any device. Any food for which a claim (as described in Sections 403(r)(1)(B) (21 U.S.C. Sec. 343(r)(1)(B)) and 403(r)(3) (21 U.S.C. Sec. 343(r)(3)) or Sections 403(r)(1)(B) (21 U.S.C. Sec. 343(r)(1)(B)) and 403(r)(5)(D) (21 U.S.C. Sec. 343(r)(5)(D)) of the federal act), is made in accordance with the requirements set forth in Section 403(r) (21 U.S.C. Sec. 343(r)) of the federal act, is not a drug under subdivision (b) solely because the label or labeling contains such a claim.

B. "NEW DRUG" as used herein and pursuant to Health and Safety Code section 109980 shall mean either of the following:

(a) Any drug the composition of which is such that the drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling or advertising thereof.

(b) Any drug the composition of which is such that the drug, as a result of investigations to determine its safety and effectiveness for use under these conditions, has become so recognized, but that has not, otherwise than in the investigations, been used to a material extent or for a material time under the conditions.

C. "DIETARY SUPPLEMENT" as used herein and pursuant to Health and Safety related California Code of Regulations, Section 10200, shall mean the following:

(a) "Dietary supplement"

(1) Means an article (other than tobacco) intended to supplement the diet that bears or contains one or more of the following dietary ingredients:

(A) A vitamin,

(B) A mineral,

(C) An herb or other botanical,

(D) An amino acid,

(E) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake, or

(F) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in clause (A), (B), (C), (D), or (E);

(2) Means a product that

(A) Is labeled as a dietary supplement and

(B) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form

(C) Is not represented for use as a conventional food, or as a sole item of a meal or the diet; and

(3) Does

(A) Include an article that is approved as a new drug in compliance with Health and Safety Code section 111550, subdivision (a) or (b), certified as an antibiotic under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. section 357, and/or licensed as a biologic under the Public Health and Safety Act, 42 U.S.C. section 262 and was, prior to such approval, certification, or license, marketed as a dietary supplement or as a food, unless the article, when used as or in a dietary supplement under the conditions of use set forth in the labeling for such dietary supplement is adulterated under California Health and Safety Code section 110545, and

(B) Not include

1. An article that is approved as a new drug in

1 compliance with Health and Safety Code section 111550,
2 subdivision (a) or (b), certified as an antibiotic under the Federal
3 Food, Drug, and Cosmetic Act, 21 U.S.C. section 357, and/or
4 licensed as a biologic under the Public Health and Safety Act, 42
5 U.S.C. section 262, or

6 2. An article authorized for investigation as a new
7 drug, antibiotic, or biologic for which substantial clinical
8 investigations have been instituted and for which the existence of
9 such investigations has been made public, and which was not,
10 before its approval, certification, licensing, or authorization,
11 marketed as a dietary supplement.

12 (b) A dietary supplement may be a food or a drug, or both a food and a drug,
13 as these terms are defined in Health and Safety Code sections 109935 and 109925.

14 D. "ADVERTISEMENT" as used herein and pursuant to Health and Safety Code
15 section 109885 shall mean any representations, including, but not limited to, statements upon the
16 products, its packages, cartons, and any other container, disseminated in any manner or by any
17 means, for the purpose of inducing, or that is likely to induce, directly or indirectly, the purchase
18 or use of any food, drug, device, or cosmetic.

19 E. "LABELING" as used herein and pursuant to Health and Safety Code section
20 109960 shall mean any label or other written, printed, or graphic matter upon a food, drug, device,
21 or cosmetic or upon its container or wrapper, or that accompanies any food, drug, device, or
22 cosmetic.

23 INJUNCTION

24 5. Effective upon entry of this Injunction and Final Judgment Defendants John C. H. Chen,
25 Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all persons acting by, for and
26 on behalf of these persons, are hereby permanently enjoined and restrained within the State of California
27 from operating, owning and/or having any interest in any business of manufacturing, selling, compounding,
28 distributing, advertising, labeling, delivering, holding and possessing and offering for sale drugs, new drugs,

1 unapproved pharmaceuticals, dietary supplements as defined in Title 17, Section 10200 of the California
2 Code of Regulations, and/or alleged pure herbal compounds and related products and compounds, whether
3 or not adulterated and/or misbranded, to residents and consumers in the State of California.

4 6. Effective upon entry of this Judgment, Defendants John C. H. Chen, Xuhui Wang, Sophie
5 S. Chen, and International Medical Research, Inc., and all officers, employees, representatives, persons,
6 corporations or other entities acting by, through, under or on behalf of said Defendants or within the course
7 and scope of their employment by the Defendants, are hereby permanently enjoined and restrained under
8 Business and Professions Code section 17203 and Health and Safety Code section 111900, in the County
9 of Orange and elsewhere in the state of California, from violating Business and Professions Code section
10 17200 and Health and Safety Code section 109875, et seq. ("Sherman Act"), by any of, but not limited
11 to, the following acts or practices:

12 A. Manufacturing, selling, delivering, holding, or offering for sale any products known
13 as and/or called pure herbal products and/or dietary supplements.

14 B. Manufacturing, selling, delivering, holding, or offering for sale any drug and/or new
15 drug as defined in Health and Safety Code sections 109925 and 109980, unless it complies with
16 the requirements in Health and Safety Code section 111550 and is approved by the Federal or
17 state authorities.

18 C. Failing to comply with the licensing requirements in Health and Safety Code section
19 110460 to the extent such compliance is required in connection with Defendants' activities.

20 D. Manufacturing, selling, delivering, holding, or offering for sale any dietary
21 supplement that is misbranded in violation of Health and Safety Code section 110660.

22 E. Manufacturing, selling, delivering, holding, or offering for sale any product with
23 labels that do not conform with the requirements for nutrient content or health claims as set forth
24 in section 403(r) (21 U.S.C. Sec. 343(r)) of the federal act and the regulations adopted pursuant
25 thereto, in violation of Health and Safety Code section 110670.

26 F. Violating Business and Professions Code section 17500 in the sale and advertising
27 of dietary supplements and drugs.

28 G. Violating any of the provisions and regulations of Health and Safety Code section

109875, et seq. ("Sherman Act").

H. Violating Business and Professions Code section 17200 in the sale and advertising of dietary supplements and drugs.

7. Any successor statute or renumbered statute will have the same force and effect as the statutes cited in this Judgment.

PENALTIES AND COSTS

8. The Parties hereto stipulate and agree that the Court shall enter the following Judgment in the total amount of Four Hundred Ninety-five Thousand Three Hundred Dollars (\$495,300) against the defendants, apportioned as follows and, upon entry of the Final Judgment herein, the defendants John C. H. Chen, International Medical Research, Inc. (IMR), Sophie S. Chen, and Xuhui Wang shall each be individually and separately ordered to pay the following monetary Judgments for civil penalties and costs to the following governmental entities in the following amounts and, together with the personal Guarantee of John C. H. Chen as set forth herein at subparagraph 8B, all of which shall become the Order of this Court:

A. John C. H. Chen shall personally pay the total sum of Forty-six Thousand Five Hundred Dollars (\$46,500) for civil penalties and costs, with disbursement as follows:

Payment #1: Nine Thousand Three Hundred Dollars (\$9,300) as reimbursement of costs for investigation and analysis by the Department of Health Services. Payment shall be in the form of a cashier's check or money order made payable to: **California Department of Health Services, with a notation that it is to be applied to: "Food and Drug Branch, Drug and Device Safety Fund."**

Payment #2: Nine Thousand Three Hundred Dollars (\$9,300) as reimbursement of costs for investigation and analysis by the Orange County District Attorney's Office. Payment shall be in the form of a cashier's check or money order made payable to: **"County of Orange," with a notation that it is to be applied for "Cost Reimbursement."**

Payment #3: Twenty-seven Thousand Nine Hundred Dollars (\$27,900) as civil penalties pursuant to Business and Professions Code section 17206 and Health and Safety Code section 111915. Payment shall be in the form of a cashier's check or money order

made payable to: "County of Orange," with a notation that it is to be applied for "Civil Penalties."

B. John C. H. Chen shall be solely, individually, and personally responsible as guarantor, act as surety for and guarantee the civil penalties, costs and fines obligations of IMR in the manner and for the amounts as set forth herein pursuant to the following terms:

Guaranty: John C. H. Chen, individually, shall be the Guarantor of all the monetary obligations, costs, fines, and civil penalties of IMR as set forth in this Stipulation and Judgment to The People of the State of California. The following provisions shall govern the Guarantor's participation, as a Guarantor, in this agreement:

(a) The Guarantor unconditionally guarantees to The People of the State of California the prompt payment of this Judgment when due (whether at maturity, by acceleration, or otherwise), irrespective of any question as to the authenticity, validity, regularity, or enforceability of this Judgment or of any liability or obligation actually or purported to be evidenced or imposed by this Judgment.

(b) The Guarantor agrees that, without notice to or further consent of the Guarantor and without any such action in any way or to any extent releasing, extinguishing, reducing, or otherwise affecting the liability and obligations of the Guarantor set forth in this agreement:

(1) The time of payment of this Judgment may be accelerated or further extended.

(2) Collateral security or additional collateral security may be accepted to secure payment of this Judgment.

(3) Any collateral security for this Judgment may be taken, enforced, exchanged, surrendered, modified, released, or altered, or otherwise dealt with, in whole or in part, in any manner.

(c) To the full extent permitted by law, the Guarantor waives any presentment, demand of payment from the Debtor/Obligor/IMR or anyone else, protest, and notice of presentment, demand, nonpayment, or protest, and any and all other protests, notices, and demands. The Guarantor agrees that his obligations under this agreement are not in any way to be reduced or affected by any failure on the part of The People to take any action to enforce this Judgment, or to pursue any remedy for the nonpayment, or to enforce, protect, or preserve any collateral security.

C. International Medical Research, Inc., shall pay the total sum of Three Hundred Forty-five Thousand Eight Hundred Dollars (\$345,800) for civil penalties and costs, with disbursement as follows:

Payment #1: Sixty-nine Thousand One Hundred Sixty Dollars (\$69,160) as reimbursement of costs for investigation and analysis by the Department of Health Services. Payment shall be in the form of a cashier's check or money order made payable to: California Department of Health Services, with a notation that it is to be applied to: "Food and Drug Branch, Drug and Device Safety Fund."

Payment #2: Sixty-nine Thousand One Hundred Sixty Dollars (\$69,160) as

1 reimbursement of costs for investigation and analysis by the Orange County District
2 Attorney's Office. Payment shall be in the form of a cashier's check or money order made
3 payable to: **"County of Orange," with a notation that it is to be applied for "Cost**
4 **Reimbursement."**

5 **Payment #3:** Two Hundred Seven Thousand Four Hundred Eighty Dollars
6 (\$207,480) as civil penalties pursuant to Business and Professions Code section 17206
7 and Health and Safety Code section 111915. Payment shall be in the form of a cashier's
8 check or money order made payable to: **"County of Orange," with a notation that it**
9 **is to be applied for "Civil Penalties."**

10 D. Sophie S. Chen shall pay the total sum of Forty-six Thousand Five Hundred
11 Dollars (\$46,500) for civil penalties and costs, with disbursement as follows:

12 **Payment #1:** Nine Thousand Three Hundred Dollars (\$9,300) as reimbursement
13 of costs for investigation and analysis by the Department of Health Services. Payment shall
14 be in the form of a cashier's check or money order made payable to: **California**
15 **Department of Health Services, with a notation that it is to be applied to: "Food**
16 **and Drug Branch, Drug and Device Safety Fund."**

17 **Payment #2:** Nine Thousand Three Hundred Dollars (\$9,300) as reimbursement
18 of costs for investigation and analysis by the Orange County District Attorney's Office.
19 Payment shall be in the form of a cashier's check or money order made payable to:
20 **"County of Orange," with a notation that it is to be applied for "Cost**
21 **Reimbursement."**

22 **Payment #3:** Twenty-seven Thousand Nine Hundred Dollars (\$27,900) as civil
23 penalties pursuant to Business and Professions Code section 17206 and Health and Safety
24 Code section 111915. Payment shall be in the form of a cashier's check or money order
25 made payable to: **"County of Orange," with a notation that it is to be applied for**
26 **"Civil Penalties."**

27 E. Xuhui Wang shall pay the total sum of Fifty-six Thousand Five Hundred Dollars
28 (\$56,500) for civil penalties and costs, with disbursement as follows:

1 **Payment #1:** Eleven Thousand Three Hundred Dollars (\$11,300) as
2 reimbursement of costs for investigation and analysis by the Department of Health
3 Services. Payment shall be in the form of a cashier's check or money order made payable
4 to: **California Department of Health Services, with a notation that it is to be**
5 **applied to: "Food and Drug Branch, Drug and Device Safety Fund."**

6 **Payment #2:** Eleven Thousand Three Hundred Dollars (\$11,300) as
7 reimbursement of costs for investigation and analysis by the Orange County District
8 Attorney's Office. Payment shall be in the form of a cashier's check or money order made
9 payable to: **"County of Orange," with a notation that it is to be applied for "Cost**
10 **Reimbursement."**

11 **Payment #3:** Thirty-three Thousand Nine Hundred Dollars (\$33,900) as civil
12 penalties pursuant to Business and Professions Code section 17206 and Health and Safety
13 Code section 111915. Payment shall be in the form of a cashier's check or money order
14 made payable to: **"County of Orange," with a notation that it is to be applied for**
15 **"Civil Penalties."**

16 9. All payments pursuant to this Stipulation and Judgment shall be mailed or delivered to the
17 following address:

18 Office of the Orange County District Attorney

19 401 Civic Center Drive

20 Santa Ana, California 92701

21 Attention: Consumer and Environmental Protection Accounting Clerk

22 10. For the purposes of this Stipulation and Judgment, the monies due and to be paid by
23 defendants, and each of them, shall first be apportioned and attributed to cost reimbursement to the
24 California Department of Health Services. Once that amount has been paid in full by each defendant,
25 apportionment will then be to the cost reimbursement to the County of Orange, and thereafter to civil
26 penalties payable as set forth herein to the County of Orange, in the manner and amounts as described
27 hereinabove.

28 ///

CONDEMNATION

11. As to all remaining products of IMR in this State, the Court finds, adjudges and decrees that:

A. All existing and embargoed products of the defendants in this State constitute a nuisance and danger, wherever situated.

B. Orders condemnation of all such existing and embargoed products at the sole expense of the defendant IMR.

C. Orders the legally acceptable destruction of all such remaining, existing and embargoed illegal products forthwith at the sole expense of the defendant IMR, to be witnessed and approved by a designated representative of the California State Food and Drug Branch, subject to an outstanding Order of Preservation made by Judge Mohr in the Los Angeles County Superior Court, Case No. BC267700.

RESTRICTION ON THIS JUDGMENT; MONETARY OBLIGATIONS

12. Nothing in this Stipulated Judgment shall constitute a release, res judicata, collateral estoppel or issue preclusion bar as to claims of all consumers, victims and any and all other claimants of and against defendants and IMR/BotanicLab products and conduct, including, but not limited to, plaintiffs in pending and all future cases against the parties to this Stipulated Judgment for refunds, restitution, disgorgement, personal injuries, medical monitoring, economic, punitive or other damages, whether sought individually or on a group, class or private attorney general basis, and whether under the common law, the unfair competition law, or other statute. There are not third party beneficiaries to the release provisions of this agreement in any civil case brought by consumers, victims and other persons of BotanicLab products, including any present or former director, officer, employee, shareholder, control person agents, representatives, resellers, wholesalers, insurers, and distributors; nor shall this Stipulated Judgment release any claims of BotanicLab consumers, injured parties, and other persons against parties and/or nonparties to this Stipulated Judgment, whether as third party beneficiaries or otherwise.

13. The fines, costs, and civil penalties being paid under this Stipulated Judgment do not constitute civil disgorgement or restitution of the purchase price of BotanicLab products under Business and Professions Code section 17203 or personal injury, economic, medical monitoring, punitive or other

1 damages.

2 14. IMR shall not do business in the State of California, in its current form or through any other
3 entity, subsidiary, and successor, at any time hereafter and shall windup, dissolve and terminate its existence
4 in this State as soon as practically possible following and allowing for its preservation for the benefit of
5 insurance coverage retention in the pending CIVIL CASES, wherever situated.

6 **JURISDICTION RETAINED**

7 15. Jurisdiction is retained for the purpose of enabling any party to this Injunction and Final
8 Judgment and any other lawfully authorized party pursuant to the laws of this State to apply to the Court
9 at any time for such further order and directions as may be necessary and appropriate for the construction
10 of, or the carrying out of this Injunction and Final Judgment, for the enforcement of compliance therewith,
11 and for punishment of violations thereof.

12 **STIPULATION AND JUDGMENT**

13 16. In the event that any of the terms of this Stipulation are materially breached by either Party,
14 the other Party can enforce the terms of this Stipulation pursuant to Code of Civil Procedure section 664.6
15 as to the defaulting party.

16 17. This Stipulation and the covenants and conditions contained herein shall apply to, be binding
17 upon, and inure to the benefit of the respective heirs, administrators, executors, legal representatives,
18 assignees, successors, and agents of the Parties. The Parties agree that this paragraph applies to each and
19 every paragraph in this Stipulation and Judgment, as if set forth in full therein.

20 18. Each individual executing this Stipulation on behalf of any Party expressly represents and
21 warrants that he/she has authority to execute and thereby bind the Party on behalf of which he/she executes
22 this Stipulation to the terms of this Stipulation and agrees to indemnify and hold harmless each other party
23 from any claim that such authority did not exist.

24 19. This Stipulation may be executed in one or more counterparts, all of which together
25 constitute one single document.

26 20. Plaintiff, the People of the State of California, through its attorney, Tony Rackauckas,
27 District Attorney for the County of Orange, by Byron Nelson, Deputy District Attorney, and Defendants
28 John C. H. Chen, also known as John C. Hsiung, through attorneys Akin Gump Strauss Hauer and Feld,

1 LLP, by Stephen A. Mansfield and Samuel P. Hulefeld; Xuhui Wang, also known as Allan Xuhui Wang,
2 through attorneys Jones Day, by Harriet B. Leva; Sophie S. Chen, also known as Sophie S. Fan, through
3 attorney Stephen ^{G. Nelson} ~~P. Jones~~; and International Medical Research, Inc., an individual corporation and doing
4 business as BotanicLab, through its officer and through attorneys Beck, De Corso, Daly, Kreindler &
5 Harris, by Stephen P. Jones, hereby stipulate and agree that Judgment may and shall be entered in this case
6 in accordance with this Stipulation for and Order for Injunction and Final Judgment (sometimes called
7 "Stipulation") hereinabove set forth and incorporated at this point as if set out in full.

8 21. Each of the defendants, individually and as to each separate executing defendant,
9 acknowledges and agrees that he/she/it freely, voluntarily, and knowingly, after consulting with an
10 independent, separate attorney of his/her/its own choosing and being fully and completely advised to that
11 party's full satisfaction, enters into this Stipulated Judgment of his/her/its free will without any force, threat,
12 compulsion, and/or fear created by any factor, including the contemporaneously existing and pending
13 criminal case filed in Orange County Superior Court, case number 03CF1520, served upon and
14 prosecuted against each of these defendants. Each party's separate, independent legal counsel upon
15 approving this Stipulated Judgment as to form and content agrees to this paragraph after having fully
16 advised his/her respective client defendant.

17 22. This Stipulation for Injunction and Final Judgment shall become the Order of this Court.

18 TONY RACKAUCKAS, DISTRICT ATTORNEY
19 COUNTY OF ORANGE, STATE OF CALIFORNIA

20 DATED: 12/18/03

21 BY: [Signature]
22 BYRON NELSON
23 DEPUTY DISTRICT ATTORNEY

24 INTERNATIONAL MEDICAL RESEARCH, INC.

25 DATED: Dec. 18, 2003

26 BY: [Signature]
27 JOHN C. H. CHEN, CEO

28 Approved as to form and content.

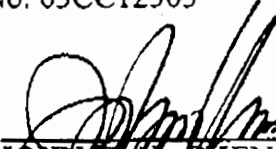
BECK, DE CORSO, DALY, KREINDLER & HARRIS

DATED: 12/18/03

BY: [Signature]
STEPHEN P. JONES
Attorneys for International Medical Research, Inc.

1 *People v. Chen, et al.*, Superior Court Case No. 03CC12503
 2 (signatures, continued)

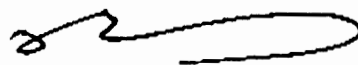
3 DATED: Dec. 18, 2003


 JOHN C. H. CHEN, individually, as current Chief
 Executive Officer of International Medical Research,
 Inc. (IMR), and as "Guarantor"

5 Approved as to form and content.

AKIN GUMP STRAUSS HAUER AND FELD, LLP

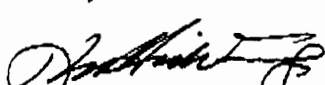
7 DATED: 12/18/03

8 BY: 
 STEPHEN A. MANSFIELD *Robert Humphrey*
 Attorneys for John C. H. Chen

10 DATED: 12/18/03

11 BY: 
 SAMUEL P. HULEFELD
 Attorneys for John C. H. Chen

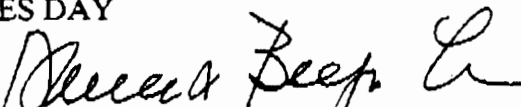
12 DATED: 12/18/03

13 
 XUHUI WANG


14 Approved as to form and content.

JONES DAY

15 DATED: 12/18/03

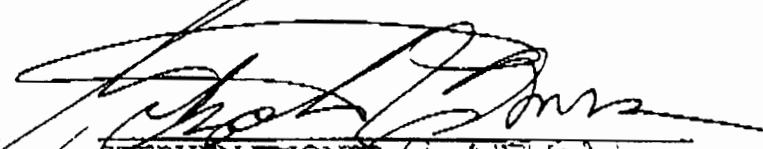
16 BY: 
 HARRIET B. LEVA
 Attorneys for Xuhui Wang

18 DATED: 12/18/03

19 
 SOPHIE S. CHEN

20 Approved as to form content.

21 DATED: 12/18/03

22 
 STEPHEN P. JONES G. NELSON
 Attorney for Sophie S. Chen

23 **ORDER, EFFECT AND ENTRY**

24 It is so Ordered and this shall be the Order and Judgment of this Court. The Clerk is ordered to
 25 enter this Injunction and Final Judgment.

26 DATED: 12/18/03

27 MARY FINGAL ERICKSON
 JUDGE OF THE SUPERIOR COURT

28 H:\NELSON\IMR-final judgment.wpd

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
AND FOR THE COUNTY OF ORANGE

03CF1520

PEOPLE VS

ND FOR THE COUNTY OF ORANGE
INTERNATIONAL MEDICAL RESEARCH, INC.

GUILTY PLEA IN THE SUPERIOR COURT

Alba Botanica

1. My true full name is International Medical Research, Inc.. I am represented by BECK, DECORSO, DALY, KREINDLER & HARRIS, by STEPHEN JONE who is my attorney.
2. I understand that I am pleading guilty and admitting the following offenses, prior convictions and special punishment allegations, carrying possible penalties as follows:

		Sentence Range in Years (Circle if a particular sentence has been agreed on)	Enhancements	yrs	Term for Priors	yrs	Total Penalty Years
Cl.	Charge						
14	P.C. § 387(a)	16 mo, 2 yr, 3 yr					3 yr
						Maximum Total Punishment	3 yrs

- 2a. ☐ I understand that I am ineligible for probation and will serve a state prison sentence for count(s) _____ of the information to which I am pleading guilty.
- 2b. ☒ I understand for persons sentenced to state prison the following terms of parole apply after expiration of the prison term.
- ☒ Determinate sentence: 3 years parole plus 1 year maximum confinement on revocation. An additional year of confinement can be imposed for my misconduct during the year of my revocation confinement. P.C. 3057
- ☐ Life sentence non-murder case: 5 years parole plus 1 year maximum confinement on each revocation. (Maximum total revocation confinement is 2 years.)
- ☐ Life sentence murder conviction:
1st degree murder: 7 years to life parole.
2nd degree murder: 5 years to life parole.
- 2c. ☐ I understand that it is absolutely necessary all plea agreements, promises of particular sentences or sentence recommendations by completely disclosed to the court on this form.
3. ☐ I understand that I have the right to be represented by an attorney at all stages of the proceedings until the case is terminated and that if I cannot afford an attorney, one will be appointed free of charge.
4. ☐ I understand that I have a right to a speedy and public trial by jury. I hereby waive and give up this right.
5. ☐ I understand that I have the right to be confronted by the witnesses against me and to cross examine them myself or through an attorney. I hereby waive and give up these rights.
6. ☐ I understand that I have the right to testify on my own behalf but that I cannot be compelled to be a witness against myself, and may remain silent if I so choose. I hereby waive and give up these rights.
7. ☐ I understand that I have the right to call witnesses to testify in my behalf and to invoke the compulsory process of the court to subpoena those witnesses. I hereby waive and give up these rights.
8. ☐ I understand that if I am not a citizen of the United States the conviction for the offense charged will have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
9. ☒ I understand that I will be required to register as a sex offender pursuant to Section 290 of the Penal Code.
10. ☒ I understand that I will be required to provide blood/saliva samples as required under Section 290.2 of the Penal Code.
11. ☒ I understand that I will be required to register as a narcotic offender pursuant to Section 11590 of the Health and Safety Code.
12. ☐ I understand that I have the right to appeal the Superior Court's denial of my Penal Code Section 1538.5 motion (suppression of evidence motion) in this case. I hereby waive and give up this right.
13. ☐ I understand that I have the right to receive credit for all time I have spend in custody prior to my sentencing in this case (both work time and good time). I hereby waive and give up this right.

14. ☐ I understand that under Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. I hereby waive and give up this right, and further agree for the period during which I am on probation, to submit my person and property, including any residence, premises, container or vehicle under my control to search and seizure at any time of the day or night by any law enforcement or probation officer with or without a warrant, and with or without reasonable cause, or reasonable suspicion.
15. ☐ I understand that I have the right to reject probation and I hereby waive and give up that right and accept probation on all the terms and conditions contained in Page 3 of this form.
16. ☐ My lawyer has told me that if I plead guilty to the felony charge(s), enhancement(s), and prior conviction(s) as listed on page 1 of this form, the Court will require me to pay restitution to the victim as determined (P.C. § 1202.4 and/or a restitution fine of between \$200 and \$10,000 (P.C. § 1202.45) and will: (circle one)

NOLO CONTENDERE

- (a) Sentence me to state prison for the term prescribed by law, which term is _____ years in the penitentiary. I waive and give up my right to make application for probation and request immediate sentence.
- (b) Consider my application for probation before sentence is pronounced. I understand the court may send me to state prison for a maximum of _____ years.
- (c) ☒ Grant me probation under the conditions set forth in page 3 (attached) that I have signed and initialed. I understand that if I violate my probation the court may send me to the penitentiary for a maximum of 3 years on this case.
- (d) Commit me to CYA ☐ Commit me pursuant to 1203.03 PC ☐ Institute CRC proceedings ☐
- (e) Other _____

17. ☐ I certify all other cases pending against me in the County and their proposed disposition are as follows:

In this case, restitution to any and all victims, consumers, distributors, medical personnel, plaintiffs and other claimants will be resolved in separate civil case pending in other California and states.

18. ☐ I understand that a plea of guilty to this offense may also constitute an admission that I violated a former grant of probation and may result in additional penalties being imposed.

19. ☐ I have discussed the charge(s), the facts and the possible defenses with my attorney.

- ☒ I offer my plea of **NOLO CONTENDERE** freely and voluntarily and with full understanding of all the matters set forth in the pleading and in this form. No one has made any threats, used any force against myself, family or loved ones, or made any promises to me except as set out in this form, in order to convince me to plead guilty.

- ☐ I offer to the court the following facts as the basis for my plea of guilty to a felony:

while this corporation had no preconceived design to injure or cause injury to other persons, on or about Jan. 20, 2002, International Medical Research, Inc., a Calif. corporation, doing business as Botanic Labs, while managed and controlled by individuals, acquired knowledge of serious concealed dangerous conditions with and in the products and processes of this corporation that were subject to the regulatory authority of the California Department of Health Services, Food and Drug Board and the U.S. Federal Food & Drug Administration, and did knowingly fail in California within 15 days after acquiring this knowledge of the dangerous conditions in its products and processes to inform

22. ☐ I understand each and every one of the rights outlined above and I hereby waive and give up each of them in order to enter my plea to the above charge(s). I am entering a plea of guilty because I am in fact guilty and for no other reason. I declare under penalty of perjury that I have read, understood, and personally initialed each item above and discussed them with my attorney, and everything on this form is true and correct. The signing and filing of this form is CONCLUSIVE EVIDENCE I have plead guilty to the enumerated charges herein.

EXECUTED at _____, California.

DATED _____ SIGNED _____
Defendant

23. ☐ DEFENDANT'S ATTORNEY ONLY - I am attorney of record and I have explained each of the above rights to the defendant, and having explored the facts with him/her and studied his/her possible defenses to the charge(s), I concur in his/her decision to waive the above rights and to enter a plea of guilty. I further stipulate this document may be received by the court as evidence of defendant's intelligent waiver of these rights and that it shall be filed by the clerk as a permanent record of that waiver. No promises of a particular sentence or sentence recommendation have been made by myself or to my knowledge by the prosecuting attorney or the court which have not been fully disclosed in this form.

DATED _____ SIGNED _____
Attorney

24. ☐ FOR THE PEOPLE: Date _____ DEPUTY DISTRICT ATTORNEY _____
(After reading, initialing and signing, give to courtroom clerk)
*** the California Division of Occupational Safety and Health in the Department of Industrial Relations and warn its affected employees of dangers*

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ORANGE**

C- 03CF1520 PEOPLE vs. INTERNATIONAL MEDICAL RESEARCH, Inc.
PROBATION/SENTENCING (SUPERIOR COURT)

1. ☐ State Prison for _____ yrs. _____ mos. Execution suspended. Placed on probation for _____ years.
2. ☒ Imposition of sentence suspended. Placed on probation for 3 years.
3. ☐ Sentenced to the County jail for _____. Execution suspended. Placed on probation for _____ years

TERMS AND CONDITIONS OF PROBATION

4. ☐ Supervised OR ☒ Probation Department relieved of supervision.
5. ☐ Spend _____ in County jail. Credit _____ days actual time served and _____ days good/work time. Stay granted until _____.
6. ☐ Pay fine of \$10,000. (up to \$10,000 for most felonies. PC 672)
(up to \$20,000 for selected drug offenses. H&S 11372)
(up to \$50,000 for selected serious drug offenses H&S 11352.5)
plus penalty assessment.
- 6a. ☒ Pay restitution fine of \$200. (Minimum of \$200 to maximum of \$10,000 on all felonies. GC 13967(a).)
7. ☐ Make full restitution in amounts and manner as determined by the court in count(s) see #17, p. 2
8. ☐ Reimburse the _____ Police Department as determined by the court. and #2
9. ☐ Register pursuant to Section 11590 of the Health and Safety Code. BELOW
10. ☐ Register pursuant to Section 290 of the Penal Code.
11. ☐ Not be in the presence of minor children under the age of 18 unless accompanied by responsible adult(s) over 21 years of age and approved by probation officer.
12. ☐ Use no unauthorized drugs, narcotics or controlled substances and submit to drug or narcotic testing program as directed by probation or police officer.
13. ☐ Submit your person and property, including any residence, premises, container or vehicle under your control to search and seizure at any time of the day or night by any law enforcement or probation officer with or without a warrant, and with or without reasonable cause, or reasonable suspicion. ANY PLACE OF BUSINESS
14. ☐ Cooperate with probation officer in plan for (psychological or psychiatric) (alcohol and/or drug) treatment.
15. ☐ Have no blank checks in possession, not write any portion of any checks, not have checking account nor use or possess credit cards or open credit accounts unless approved by probation.
16. ☐ Seek training, schooling or employment and maintain residence and associates as approved by probation.
17. ☐ Not own, use or possess any type of dangerous or deadly weapon.
18. ☐ Obey all laws, orders, rules and regulations of the Probation Department, Court and jail.
19. ☐ Violate no law.
20. ☐ All of the below apply unless lined out
 - a. Not drive a motor vehicle with a measurable amount of alcohol in the blood.
 - b. Submit to a chemical test of my blood on demand of any peace or probation officer.
 - c. Not be present in any establishment where the primary items for sale are alcoholic beverages.
 - d. Not consume any alcoholic beverages.
 - e. Not drive a motor vehicle without a valid California driver's license on my person.
21. ☐ Not in any manner, directly or indirectly, initiate contact with nor communicate with _____
22. ☐ Other conditions: Restitution to any and all victims, Consumers, employees, distributors, medical personnel, plaintiffs and other claimants will be resolved in other civil cases
23. ☐ Pay cost of probation in the amount of \$ _____ per month as directed by Probation Officer, to begin _____
24. ☐ Pay lab analysis fee of \$50.00 (mandatory) for each specified drug offense conviction (H&S 11372.5).
25. ☐ I understand that the Court ultimately determines the conditions of probation and I have the right to request the Court to modify or strike any condition imposed by the Probation Department that I feel is unreasonable. elsewhere and see attached

DATED: _____

Defendant

ATTACHMENT 'A'

People v. Chen, et al.

Superior Court Case No. 03CF1520

5. Effective upon entry of this Injunction and Final Judgment Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all persons acting by, for and on behalf of these persons, are hereby permanently enjoined and restrained within the State of California from operating, owning and/or having any interest in any business of manufacturing, selling, compounding, distributing, advertising, labeling, delivering, holding and possessing and offering for sale drugs, new drugs, unapproved pharmaceuticals, dietary supplements as defined in Title 17, Section 10200 of the California Code of Regulations, and/or alleged pure herbal compounds and related products and compounds, whether or not adulterated and/or misbranded, to residents and consumers in the State of California.

6. Effective upon entry of this Judgment, Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all officers, employees, representatives, persons, corporations or other entities acting by, through, under or on behalf of said Defendants or within the course and scope of their employment by the Defendants, are hereby permanently enjoined and restrained under Business and Professions Code section 17203 and Health and Safety Code section 111900, in the County of Orange and elsewhere in the state of California, from violating Business and Professions Code section 17200 and Health and Safety Code section 109875, et seq. ("Sherman Act"), by any of, but not limited to, the following acts or practices:

A. Manufacturing, selling, delivering, holding, or offering for sale any products known as and/or called pure herbal products and/or dietary supplements.

ATTACHMENT 'A'*People v. Chen, et al.*

Superior Court Case No. 03CF1520

B. Manufacturing, selling, delivering, holding, or offering for sale any drug and/or new drug as defined in Health and Safety Code sections 109925 and 109980, unless it complies with the requirements in Health and Safety Code section 111550 and is approved by the Federal or state authorities.

C. Failing to comply with the licensing requirements in Health and Safety Code section 110460 to the extent such compliance is required in connection with Defendants' activities.

D. Manufacturing, selling, delivering, holding, or offering for sale any dietary supplement that is misbranded in violation of Health and Safety Code section 110660.

E. Manufacturing, selling, delivering, holding, or offering for sale any product with labels that do not conform with the requirements for nutrient content or health claims as set forth in section 403(r) (21 U.S.C. Sec. 343(r)) of the federal act and the regulations adopted pursuant thereto, in violation of Health and Safety Code section 110670.

F. Violating Business and Professions Code section 17500 in the sale and advertising of dietary supplements and drugs.

G. Violating any of the provisions and regulations of Health and Safety Code section 109875, et seq. ("Sherman Act").

H. Violating Business and Professions Code section 17200 in the sale and advertising of dietary supplements and drugs.

**SUPERIOR COURT, COUNTY OF ORANGE
GENERAL MISDEMEANOR GUILTY PLEA FORM**

CASE NO. 03CF1520

PEOPLE vs. SOPHIE S. CHEN, AKA SOPHIE S. FAN

1 My true full name is SOPHIE S. CHEN

2 I understand that I am pleading guilty or no contest and admitting the following offenses, prior convictions, and special punishment allegations, with the maximum punishment indicated below.

CT	CHARGE	PRIORS/ALLEGATIONS	MAX SENTENCE JAIL/FINES
		(Date)	
4	Health and Safety Code § 110398		1 year / \$1,000.

3 I understand I am also charged with a violation of probation in Case No. _____

RIGHTS AND WAIVERS

4 I understand I have the following constitutional rights, which I am waiving and giving up by entering this plea of guilty, or no contest, and if applicable, by my admission of a probation violation.

4a I understand I have the right to be represented by an attorney at all stages of the proceedings until the case is terminated. If I cannot afford an attorney, one will be appointed to represent me free of charge. (For defendants who do not have an attorney; I give up my right to an attorney and choose to represent myself).

4a.

4b I understand I have the right to a speedy and public trial by a jury or a judge. I waive and give up this right.

4b.

4c I understand I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right.

4c.

4d I understand I have the right to testify on my own behalf but that I cannot be compelled to be a witness against myself, and may remain silent if I choose. I waive and give up this right.

4d.

4e I understand I have the right to present and produce evidence by having the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right.

4e.

4f I understand that under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches. I waive and give up this right. If I am granted probation, I agree to submit my person and property, including any residence, premises, container or vehicle under my control to search and seizure at any time of the day or night by any law enforcement or probation officer with or without a warrant, and with or without reasonable cause or reasonable suspicion.

4f.

5 I understand I have a right to appeal an adverse ruling on a Penal Code 1538.5 Motion (Suppression motion). I give up this right.

5.

6 I understand that I have a right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I give up this right and agree to be sentenced at this time.

6.

P.2, #03CF152

7. I understand I have the right to reject probation and I hereby waive and give up that right and accept probation on the terms and conditions ☐ as imposed by the court, OR ☒ as contained in the attached Sentence Recommendation form. 7.
- 7a. I also understand if the judge does not wish to follow the District Attorney's sentence recommendation, I may withdraw my plea ~~or no contest~~. 7a.
- 7b. I also understand that if I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated in number 2 above. 7b.

CONSEQUENCES

8. I understand the possible consequences of my ~~plea~~ plea of no contest, and admissions are as follows:
- 8a. I understand there will be state penalty assessments (tax) added to any fines imposed by the court. 8a.
- 8b. I understand I will be ordered to pay a minimum of \$100 and a maximum of \$1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 8b.
- 8c. I understand that if I am not a citizen of the United States the conviction for the offense charged may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. 8c.
- 8d. I understand that if I am charged and convicted of a similar offense in the future, my ~~plea~~ or no contest today may be used to increase my punishment for the new offense. 8d.
- 8e. I understand that if I am presently on probation or parole for any previous conviction, my plea of guilty or no contest today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment. 8e.
- 8f. I understand there may be additional consequences to my plea of guilty or no contest, as follows:
(delete those not applicable)

For specified sex offenses: Register as a sex offender as required by section 290 Penal Code ☒

For specified drug offenses: Register per 11590 Health and Safety Code. ☒

- 8g. I understand that DMV may take action and suspend my license for specified drug, alcohol offenses, and violations as follows:

EVERYONE convicted of PC 394, 594.3, 594.4 (Vandalism) 1 year suspension. ☒

UNDER 21 Years of age - Suspended for 1 year for violation of Penal Code 6471, 192.5, Health and Safety Code violations involving dangerous drugs, controlled substances, and alcohol; Business and Professions Code 25658, 25658.5, 25661, 25662; Vehicle Code sections 23222, 23224. ☒

9. I understand I have the right to enter my plea before, and be sentenced by, a judge. I give up this right and agree to enter my plea before, and be sentenced by, a commissioner or temporary judge. 9.
(Enter name of commissioner or pro tem judge).

RIGHTS AND WAIVERS CONTINUED:

- 7(c). I understand ~~add~~ that under Penal Code section 802, I have an absolute defense to the charges and allegations to which I am pleading Nolo Contendere by the one(1) year statute of limitations for a misdemeanor. I knowingly and intelligently, following full explanation by my attorney, give up and waive this right and defense to assert the one year statute of limitations in a criminal case for this misdemeanor. 7(c)

PLEA

10. I offer my plea of ~~NOT GUILTY~~ **NO CONTEST**, and admit the listed priors and enhancements, freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as set out as on the Sentence Recommendation form.
11. My plea of ~~NOT GUILTY~~ **NO CONTEST** is made with a full understanding of all the matters set forth in the Complaint and in this form, which I declare under penalty of perjury that I have read, understood, and that I have personally initialed each item herein. I further declare that everything on this form is true and correct and understand that the signing and filling of this form is Conclusive Evidence that I have pleaded guilty or no contest to the charges set forth.
12. Factual basis: While I had no preconceived design to injure other people, on or about January 20, 2002, I was the chief executive officer and manager of International Medical Research, Inc., doing business as BotanicLab, during which time International Med. Research, Inc., unlawfully advertised a *
- EXECUTED at _____ California,

DATED: P SIGNED P

(DEFENDANT)

- ** food that was adulterated and misbranded.
- DEFENDANT'S ATTORNEY: I am the attorney of record for the defendant. I have explained each of the above rights to the defendant and answered all of the defendant's questions with regard to the plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), the possible defenses, and the sentence to be imposed. I concur in this plea and in the defendant's decision to waive his/her constitutional rights.

DATED: P SIGNED P

(ATTORNEY OF RECORD)

INTERPRETER'S STATEMENT: Having been sworn or having a written oath on file, I certify that I translated this form to the defendant in the _____ language. The defendant stated that he / she understood the contents of this form and then he / she initialed and signed the form.

DATED: _____

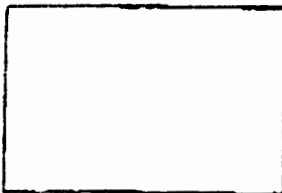
SIGNED _____

(COURT INTERPRETER)

FOR THE PEOPLE:

DATED: _____

SIGNED _____



Right Thumb Print

(BAILIFF'S SIGNATURE AND BADGE#)

SENTENCE RECOMMENDATION FORM - MISDEMEANOR

PEOPLE VS SOPHIE S. CHEN CASE NO. 03CF1520
 CHARGE(S) PLEADING GUILTY TO: COUNT 4, 1st Amendment, H&S

TERMS:

☒ 3 years INFORMAL / ~~FORMAL~~
 PROBATION.

☒ Violate no laws
☒ Obey all rules of Prob. Dept, Court & Jail

☒ Submit to SEARCH AND SEIZURE PLACE OF BUSINESS

☐ Submit to CHEMICAL TESTING

☐ COOPERATE with Prob. Dept. in any program of counseling or treatment.

☐ SEEK training, schooling or employment and maintain residence as approved by Prob. Dept.

☐ ASSOCIATES subject to approval of Prob. Officer.

☒ Not use or possess any drugs or narcotics.

☐ Submit to AIDS TESTING.

☐ Attend AIDS EDUCATION.

☐ Register pursuant to 11590 H&S

☒ Not possess any dangerous weapons.

☐ Police Agency to dispose of weapon.

☒ Use TRUE NAME at all times.

☒ Carry VALID I.D. at all times.

☐ Use NO CHECKS / CREDIT CARDS.

DOMESTIC VIOLENCE

☐ Comply with all terms of PROTECTIVE ORDER.

☐ Complete D.V. BATTERER'S TREATMENT PROGRAM.

☐ Attend PARENTING Class(es)

☐ Complete ANGER MANAGEMENT PROGRAM.

☐ With Alcohol / Drug component.

☐ Pay \$200 to D.V. fund.

☐ Pay \$100 to Victim / Witness fund

☐ Have no violent contact with victim.

FINES AND FEES

☒ Pay a fine of \$ 1,000.00 + P.A. or
 serve _____ days in OCJ.

☐ Commit on fine: consecutive / concurrent

☒ Pay \$100.00 STATE REST. FINE

☐ Pay \$ _____ DRUG PROGRAM fee.

☐ Pay \$50.00 LAB fee.

☐ Pay COSTS of FORMAL PROBATION
 as directed by Probation Officer.

JAIL

☐ Serve _____ days OCJ as to _____

☐ Serve _____ days OCJ as to _____

☐ Credit for _____ days actual + _____
 days good time / work time.

☐ Consecutive ☐ Concurrent

☐ May be served in State Prison concurrently

☐ JAIL STAYED to _____
 at _____ m. ☐ Theo Lacy

☐ Jail stayed pending _____

COMMUNITY SERVICE / CAL TRANS

☐ Complete _____ hours / days of
 Community Service / Cal Trans.

☐ In lieu of fine ☐ In lieu of Jail

☐ In lieu of Cal Trans, defendant to perform
 physical labor.

☐ Make restitution as determined through

☐ Victim Witness ☐ Probation

☐ Probation to terminate / be modified to

Informal status upon

RESTITUTION IS RESOLVED IN CIVIL
CASES PENDING ELSEWHERE and in
ADDITIONAL TERMS & CONDITIONS

SEE ATTACHED "A",
WHICH IS INCORPORATED
HEREIN

CIVIL Case #
03CC
12503.

DEFENDANT x

DEFENSE ATTORNEY x

D.A. Signature _____

ATTACHMENT 'A'

People v. Chen, et al.

Superior Court Case No. 03CF1520

5. Effective upon entry of this Injunction and Final Judgment Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all persons acting by, for and on behalf of these persons, are hereby permanently enjoined and restrained within the State of California from operating, owning and/or having any interest in any business of manufacturing, selling, compounding, distributing, advertising, labeling, delivering, holding and possessing and offering for sale drugs, new drugs, unapproved pharmaceuticals, dietary supplements as defined in Title 17, Section 10200 of the California Code of Regulations, and/or alleged pure herbal compounds and related products and compounds, whether or not adulterated and/or misbranded, to residents and consumers in the State of California.

6. Effective upon entry of this Judgment, Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all officers, employees, representatives, persons, corporations or other entities acting by, through, under or on behalf of said Defendants or within the course and scope of their employment by the Defendants, are hereby permanently enjoined and restrained under Business and Professions Code section 17203 and Health and Safety Code section 111900, in the County of Orange and elsewhere in the state of California, from violating Business and Professions Code section 17200 and Health and Safety Code section 109875, et seq. ("Sherman Act"), by any of, but not limited to, the following acts or practices:

A. Manufacturing, selling, delivering, holding, or offering for sale any products known as and/or called pure herbal products and/or dietary supplements.

ATTACHMENT 'A'***People v. Chen, et al.*****Superior Court Case No. 03CF1520**

B Manufacturing, selling, delivering, holding, or offering for sale any drug and/or new drug as defined in Health and Safety Code sections 109925 and 109980, unless it complies with the requirements in Health and Safety Code section 111550 and is approved by the Federal or state authorities.

C Failing to comply with the licensing requirements in Health and Safety Code section 110460 to the extent such compliance is required in connection with Defendants' activities.

D Manufacturing, selling, delivering, holding, or offering for sale any dietary supplement that is misbranded in violation of Health and Safety Code section 110660.

E Manufacturing, selling, delivering, holding, or offering for sale any product with labels that do not conform with the requirements for nutrient content or health claims as set forth in section 403(r) (21 U.S.C. Sec. 343(r)) of the federal act and the regulations adopted pursuant thereto, in violation of Health and Safety Code section 110670.

F Violating Business and Professions Code section 17500 in the sale and advertising of dietary supplements and drugs.

G Violating any of the provisions and regulations of Health and Safety Code section 109875, et seq. ("Sherman Act").

H Violating Business and Professions Code section 17200 in the sale and advertising of dietary supplements and drugs.

RAC
JOHN C. CHEN

**SUPERIOR COURT, COUNTY OF ORANGE
GENERAL MISDEMEANOR GUILTY PLEA FORM**

CASE NO. 03CF1520

PEOPLE vs.

JOHN CHUN HSUNG CHEN

1. My true full name is

JOHN C. H. CHEN

2. I understand that I am pleading guilty or no contest and admitting the following offenses, prior convictions, and special punishment allegations, with the maximum punishment indicated below.

CT	CHARGE	PRIORS/ALLEGATIONS (Date)	MAX SENTENCE JAIL/FINES
4	Health and Safety Code § 110398		1 year / \$1,000.

3. I understand I am also charged with a violation of probation in Case No. _____.

RIGHTS AND WAIVERS

4. I understand I have the following constitutional rights, which I am waiving and giving up by entering this plea of guilty, or no contest, and if applicable, by my admission of a probation violation.

4a. I understand I have the right to be represented by an attorney at all stages of the proceedings until the case is terminated. If I cannot afford an attorney, one will be appointed to represent me free of charge. (For defendants who do not have an attorney; I give up my right to an attorney and choose to represent myself).

4a.

4b. I understand I have the right to a speedy and public trial by a jury or a judge. I waive and give up this right.

4b.

4c. I understand I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right.

4c.

4d. I understand I have the right to testify on my own behalf but that I cannot be compelled to be a witness against myself, and may remain silent if I choose. I waive and give up this right.

4d.

4e. I understand I have the right to present and produce evidence by having the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right.

4e.

4f. I understand that under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches. I waive and give up this right. If I am granted probation, I agree to submit my person and property, including any residence, premises, container or vehicle under my control to search and seizure at any time of the day or night by any law enforcement or probation officer with or without a warrant, and with or without reasonable cause or reasonable suspicion.

4f.

5. I understand I have a right to appeal an adverse ruling on a Penal Code 1538.5 Motion (Suppression motion). I give up this right.

5.

6. I understand that I have a right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I give up this right and agree to be sentenced at this time.

6.

P.2, #03CF152C

7. I understand I have the right to reject probation and I hereby waive and give up that right and accept probation on the terms and conditions ☐ as imposed by the court, OR ☒ as contained in the attached Sentence Recommendation form.

7.

7a. I also understand if the judge does not wish to follow the District Attorney's sentence recommendation, I may withdraw my plea of guilty or no contest.

7a.

7b. I also understand that if I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated in number 2 above.

7b.

CONSEQUENCES

8. I understand the possible consequences of my ~~plea~~ plea of no contest, and admissions are as follows:

8a. I understand there will be state penalty assessments (tax) added to any fines imposed by the court.

8a.

8b. I understand I will be ordered to pay a minimum of \$100 and a maximum of \$1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine.

8b.

8c. I understand that if I am not a citizen of the United States the conviction for the offense charged may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.

8c.

8d. I understand that if I am charged and convicted of a similar offense in the future, ~~my plea of no contest today~~ my plea of no contest today may be used to increase my punishment for the new offense.

8d.

8e. I understand that if I am presently on probation or parole for any previous conviction, ~~my plea of guilty or no contest today~~ my plea of guilty or no contest today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment.

8e.

8f. I understand there may be additional consequences to my plea of guilty or no contest, as follows:
(delete those not applicable)

For specified sex offenses: Register as a sex offender as required by section 280 Penal Code

For specified drug offenses: Register per 11590 Health and Safety Code.

8g. I understand that DMV may take action and suspend my license for specified drug, alcohol offenses, and vandalism as follows:

EVERYONE convicted of PC 594, 594.3, 594.4 (Vandalism) 1 year suspension.

UNDER 21 Years of age - Suspended for 1 year for violation of Penal Code 647f, 192.5, Health and Safety Code violations involving dangerous drugs, controlled substances, and alcohol; Business and Professions Code 25658, 25658.5, 25661, 25662; Vehicle Code sections 23222, 23224.

9. I understand I have the right to enter my plea before, and be sentenced by, a judge. I give up this right and agree to enter my plea before, and be sentenced by, a commissioner or temporary judge.
(Enter name of commissioner or pro tem judge).

9.

RIGHTS AND WAIVERS CONTINUED:

7(c). I understand ~~add~~ that under Penal Code section 802, I have an absolute defense to the charges and allegations to which I am pleading Nolo Contendere by the one(1) year statute of limitations for a misdemeanor. I knowingly and intelligently, following full explanation by my attorney, give up and waive this right and defense to assert the one year statute of limitations in a criminal case for this misdemeanor.

7(c)

PLEA

10. I offer my plea of NOT GUILTY or NO CONTEST, and admit the listed priors and enhancements, freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as set out as on the Sentence Recommendation form.
11. My plea of NOT GUILTY or NO CONTEST is made with a full understanding of all the matters set forth in the Complaint and in this form, which I declare under penalty of perjury that I have read, understood, and that I have personally initial each item herein. I further declare that everything on this form is true and correct and understand that the signing and filing of this form is Conclusive Evidence that I have pleaded guilty or no contest to the charges set forth.
12. Factual basis: while I had no preconceived design to injure other people, on or about January 20, 2002, I was the chief executive officer of International Medical Research, Inc., doing business as BotanicLab, during which time International Med. Research, Inc., unlawfully advertised a
- EXECUTED at _____ California.

DATED: _____

SIGNED _____
(DEFENDANT)

DEFENDANT'S ATTORNEY: I am the attorney of record for the defendant. I have explained each of the above rights to the defendant and answered all of the defendant's questions with regard to the plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), the possible defenses, and the sentence to be imposed. I concur in this plea and in the defendant's decision to waive his/her constitutional rights.

DATED: _____

SIGNED _____
(ATTORNEY OF RECORD)

INTERPRETER'S STATEMENT: Having been sworn or having a written oath on file, I certify that I translated this form to the defendant in the _____ language. The defendant stated that he / she understood the contents of this form and then he / she initialed and signed the form.

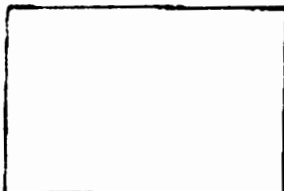
DATED: _____

SIGNED _____
(COURT INTERPRETER)

FOR THE PEOPLE:

DATED: _____

SIGNED

**Right Thumb Print**

(BAILIFF'S SIGNATURE AND BADGE#)

SENTENCE RECOMMENDATION FORM - MISDEMEANOR

PEOPLE VS

JOHN C. H. CHEN

CASE NO.

03CF1520

CHARGE(S) PLEADING GUILTY TO:

COUNT 4, 1st Amended, H&STERMS:☒ 3 year INFORMAL / ~~FORMAL~~

PROBATION.

- ☒ Violate no laws
- ☒ Obey all rules of Prob. Dept, Court & Jail
- ☒ Submit to SEARCH AND SEIZURE PLACE & BUSINESS
- ☐ Submit to CHEMICAL TESTING
- ☐ COOPERATE with Prob. Dept. in any program of counseling or treatment.
- ☐ SEEK training, schooling or employment and maintain residence as approved by Prob. Dept.
- ☐ ASSOCIATES subject to approval of Prob. Officer.

☒ Not use or possess any drugs or narcotics.☐ Submit to AIDS TESTING.☐ Attend AIDS EDUCATION.☐ Register pursuant to 11590 H&S☒ Not possess any dangerous weapons.☐ Police Agency to dispose of weapon.☒ Use TRUE NAME at all times.☒ Carry VALID I.D. at all times.☐ Use NO CHECKS / CREDIT CARDS.DOMESTIC VIOLENCE☐ Comply with all terms of PROTECTIVE ORDER.☐ Complete D.V. BATTERER'S TREATMENT PROGRAM.☐ Attend PARENTING Class(es)☐ Complete ANGER MANAGEMENT PROGRAM.☐ With Alcohol / Drug component.☐ Pay \$200 to D.V. fund.☐ Pay \$100 to Victim / Witness fund.☐ Have no violent contact with victim.FINES AND FEES☒ Pay a fine of \$ 1,000.00 + P.A. or serve _____ days in OCJ.☐ Commit on fine: consecutive / concurrent☒ Pay \$100.00 STATE REST. FINE☐ Pay \$ _____ DRUG PROGRAM fee.☐ Pay \$50.00 LAB fee.☐ Pay COSTS of FORMAL PROBATION as directed by Probation Officer.JAIL☐ Serve _____ days OCJ as to _____☐ Serve _____ days OCJ as to _____☐ Credit for _____ days actual + _____ days good time / work time.☐ Consecutive ☐ Concurrent☐ May be served in State Prison concurrently☐ JAIL STAYED to _____at _____ m. ☐ Theo Lacy☐ Jail stayed pending _____COMMUNITY SERVICE / CAL TRANS☐ Complete _____ hours / days of Community Service / Cal Trans.☐ In lieu of fine ☐ In lieu of Jail☐ In lieu of Cal Trans, defendant to perform physical labor.☐ Make restitution as determined through☐ Victim Witness ☐ Probation☐ Probation to terminate / be modified to

Informal status upon

RESTITUTION IS RESOLVED IN CA CASES PENDING ELSEWHERE and in ADDITIONAL TERMS & CONDITIONS on County

SEE ATTACHED 'A', WHICH IS INCORPORATED HEREIN

CIVIL Case # 03CC 12503

DEFENDANT ☒DEFENSE ATTORNEY ☒

D.A. Signature _____

ATTACHMENT 'A'

People v. Chen, et al.

Superior Court Case No. 03CF1520

5. Effective upon entry of this Injunction and Final Judgment Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all persons acting by, for and on behalf of these persons, are hereby permanently enjoined and restrained within the State of California from operating, owning and/or having any interest in any business of manufacturing, selling, compounding, distributing, advertising, labeling, delivering, holding and possessing and offering for sale drugs, new drugs, unapproved pharmaceuticals, dietary supplements as defined in Title 17, Section 10200 of the California Code of Regulations, and/or alleged pure herbal compounds and related products and compounds, whether or not adulterated and/or misbranded, to residents and consumers in the State of California.

6. Effective upon entry of this Judgment, Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all officers, employees, representatives, persons, corporations or other entities acting by, through, under or on behalf of said Defendants or within the course and scope of their employment by the Defendants, are hereby permanently enjoined and restrained under Business and Professions Code section 17203 and Health and Safety Code section 111900, in the County of Orange and elsewhere in the state of California, from violating Business and Professions Code section 17200 and Health and Safety Code section 109875, et seq. ("Sherman Act"), by any of, but not limited to, the following acts or practices:

A. Manufacturing, selling, delivering, holding, or offering for sale any products known as and/or called pure herbal products and/or dietary supplements.

ATTACHMENT 'A'*People v. Chen, et al.*

Superior Court Case No. 03CF1520

B. Manufacturing, selling, delivering, holding, or offering for sale any drug and/or new drug as defined in Health and Safety Code sections 109925 and 109980, unless it complies with the requirements in Health and Safety Code section 111550 and is approved by the Federal or state authorities.

C. Failing to comply with the licensing requirements in Health and Safety Code section 110460 to the extent such compliance is required in connection with Defendants' activities.

D. Manufacturing, selling, delivering, holding, or offering for sale any dietary supplement that is misbranded in violation of Health and Safety Code section 110660.

E. Manufacturing, selling, delivering, holding, or offering for sale any product with labels that do not conform with the requirements for nutrient content or health claims as set forth in section 403(r) (21 U.S.C. Sec. 343(r)) of the federal act and the regulations adopted pursuant thereto, in violation of Health and Safety Code section 110670.

F. Violating Business and Professions Code section 17500 in the sale and advertising of dietary supplements and drugs.

G. Violating any of the provisions and regulations of Health and Safety Code section 109875, et seq. ("Sherman Act").

H. Violating Business and Professions Code section 17200 in the sale and advertising of dietary supplements and drugs.

**SUPERIOR COURT, COUNTY OF ORANGE
GENERAL MISDEMEANOR GUILTY PLEA FORM**

CASE NO. 03CF1520 PEOPLE vs. XU HUI WANG, aka Alan X

1. My true full name is XU HUI WANG

2. I understand that I am pleading guilty or no contest and admitting the following offenses, prior convictions, and special punishment allegations, with the maximum punishment indicated below.

CT.	CHARGE	PRIORS/ALLEGATIONS (Date)	MAX SENTENCE JAIL/FINES
10	Health and Safety Code § 110630		1 year / \$1,000.

3. I understand I am also charged with a violation of probation in Case No. _____.

RIGHTS AND WAIVERS

4. I understand I have the following constitutional rights, which I am waiving and giving up by entering this plea of guilty, or no contest, and if applicable, by my admission of a probation violation.

4a. I understand I have the right to be represented by an attorney at all stages of the proceedings until the case is terminated. If I cannot afford an attorney, one will be appointed to represent me free of charge. (For defendants who do not have an attorney; I give up my right to an attorney and choose to represent myself).

4a.

4b. I understand I have the right to a speedy and public trial by a jury or a judge. I waive and give up this right.

4b.

4c. I understand I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right.

4c.

4d. I understand I have the right to testify on my own behalf but that I cannot be compelled to be a witness against myself, and may remain silent if I choose. I waive and give up this right.

4d.

4e. I understand I have the right to present and produce evidence by having the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right.

4e.

4f. I understand that under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches. I waive and give up this right. If I am granted probation, I agree to submit my person and property, including any residence, premises, container or vehicle under my control to search and seizure at any time of the day or night by any law enforcement or probation officer with or without a warrant, and with or without reasonable cause or reasonable suspicion.

4f.

5. I understand I have a right to appeal an adverse ruling on a Penal Code 1538.5 Motion (Suppression motion). I give up this right.

5.

6. I understand that I have a right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I give up this right and agree to be sentenced at this time.

6.

(1) P.2, #03CF152c

7. I understand I have the right to reject probation and I hereby waive and give up that right and accept probation on the terms and conditions ☐ as imposed by the court, OR ☒ as contained in the attached Sentence Recommendation form. 7.
- 7a. I also understand if the judge does not wish to follow the District Attorney's sentence recommendation, I may withdraw my ~~plea~~ no contest. 7a.
- 7b. I also understand that if I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated in number 2 above. 7b.

CONSEQUENCES

8. I understand the possible consequences of my ~~guilty~~ plea of no contest, and admissions are as follows:
- 8a. I understand there will be state penalty assessments (tax) added to any fines imposed by the court. 8a.
- 8b. I understand I will be ordered to pay a minimum of \$100 and a maximum of \$1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 8b.
- 8c. I understand that if I am not a citizen of the United States the conviction for the offense charged may have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. 8c.
- 8d. I understand that if I am charged and convicted of a similar offense in the future, my ~~plea~~ no contest today may be used to increase my punishment for the new offense. 8d.
- 8e. I understand that if I am presently on probation or parole for any previous conviction, my ~~plea~~ no contest today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment. 8e.
- 8f. I understand there may be additional consequences to my plea of guilty or no contest, as follows:
(Delete those not applicable)

For specified sex offenses: Register as a sex offender as required by section 290 Penal Code ☒

For specified drug offenses: Register per 11500 Health and Safety Code. ☒

- 8g. I understand that DMV may take action and suspend my license for specified drug, alcohol offenses, and violations as follows:

EVERYONE convicted of PC 394, 594.3, 594.4 (Vandalism) 1 year suspension. ☒

UNDER 21 Years of age - Suspended for 1 year for violation of Penal Code 647f, 192.5, Health and Safety Code violations involving dangerous drugs, controlled substances, and alcohol; Business and Professions Code 25658, 25658.5, 25661, 25662; Vehicle Code sections 23222, 23224. ☒

9. I understand I have the right to enter my plea before, and be sentenced by, a judge. I give up this right and agree to enter my plea before, and be sentenced by, a commissioner or temporary judge. ☒
(Enter name of commissioner or pro tem judge).

RIGHTS AND WAIVERS CONTINUED:

- 7(c). I understand that under Penal Code section 802, I have an absolute defense to the charges and allegations to which I am pleading Nolo Contendere by the one(1) year statute of limitations for a misdemeanor I knowingly and intelligently, following full explanation by my attorney, give up and waive this right and defense to assert the one year statute of limitations in a criminal case for this misdemeanor. 7(c)

PLEA

10. I offer my plea of **NOT GUILTY** or **NO CONTEST**, and admit the listed priors and enhancements, freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as set out as on the Sentence Recommendation form.
11. My plea of **NOT GUILTY** or **NO CONTEST** is made with a full understanding of all the matters set forth in the Complaint and in this form, which I declare under penalty of perjury that I have read, understood, and that I have personally initialed each item herein. I further declare that everything on this form is true and correct and understand that the signing and filing of this form is Conclusive Evidence that I have pleaded guilty or no contest to the charges set forth.
12. Factual basis: While I had no preconceived design to injure other people, on or about Feb. 18, 2001, I was a corporate officer and shareholder, manager and controlling person in International Medical Research, Inc., (IMR) doing business as BotanicLab, at which time IMR delivered an adulterated food.
 EXECUTED at _____ California.

DATED: _____

SIGNED _____
(DEFENDANT)

DEFENDANT'S ATTORNEY: I am the attorney of record for the defendant. I have explained each of the above rights to the defendant and answered all of the defendant's questions with regard to the plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), the possible defenses, and the sentence to be imposed. I concur in this plea and in the defendant's decision to waive his/her constitutional rights.

DATED: _____

SIGNED _____
(ATTORNEY OF RECORD)

INTERPRETER'S STATEMENT: Having been sworn or having a written oath on file, I certify that I translated this form to the defendant in the _____ language. The defendant stated that he / she understood the contents of this form and then he / she initialed and signed the form.

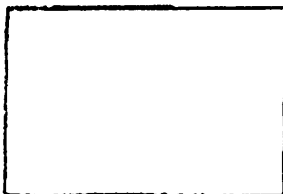
DATED: _____

SIGNED _____
(COURT INTERPRETER)

FOR THE PEOPLE:

DATED: _____

SIGNED _____



Right Thumb Print

(BAILIFF'S SIGNATURE AND BADGE#)

SENTENCE RECOMMENDATION FORM - MISDEMEANOR

PEOPLE VS

XUHU1 WANG

CASE NO.

03CF1520

CHARGE(S) PLEADING GUILTY TO:

COUNT 4, 1st Amendment, H&STERMS:☒ 3 year INFORMAL / ~~FORMAL~~
PROBATION.☒ Violate no laws☒ Obey all rules of Prob. Dept, Court & Jail☒ Submit to SEARCH AND SEIZURE☐ Submit to CHEMICAL TESTING☐ COOPERATE with Prob. Dept. in any
program of counseling or treatment.☐ SEEK training, schooling or employment
and maintain residence as approved by
Prob. Dept.☐ ASSOCIATES subject to approval of
Prob. Officer.☒ Not use or possess any drugs or narcotics.☐ Submit to AIDS TESTING.☐ Attend AIDS EDUCATION.☐ Register pursuant to 11590 H&S☒ Not possess any dangerous weapons.☐ Police Agency to dispose of weapon.☒ Use TRUE NAME at all times.☒ Carry VALID I.D. at all times.☐ Use NO CHECKS / CREDIT CARDS.DOMESTIC VIOLENCE☐ Comply with all terms of PROTECTIVE
ORDER.☐ Complete D.V. BATTERER'S TREAT-
MENT PROGRAM.☐ Attend PARENTING Class(es)☐ Complete ANGER MANAGEMENT
PROGRAM.☐ With Alcohol / Drug component.☐ Pay \$200 to D.V. fund.☐ Pay \$100 to Victim / Witness fund.☐ Have no violent contact with victim.FINES AND FEES☒ Pay a fine of \$ 4000.00 + P.A. or
serve _____ days in OCJ.☐ Commit on fine: consecutive / concurrent☒ Pay \$100.00 STATE REST. FINE☐ Pay \$ _____ DRUG PROGRAM fee.☐ Pay \$50.00 LAB fee.☐ Pay COSTS of FORMAL PROBATION
as directed by Probation Officer.JAIL☐ Serve _____ days OCJ as to _____☐ Serve _____ days OCJ as to _____☐ Credit for _____ days actual + _____
days good time / work time.☐ Consecutive ☐ Concurrent☐ May be served in State Prison concurrently☐ JAIL STAYED to _____at _____ m. ☐ Theo Lacy☐ Jail stayed pending _____COMMUNITY SERVICE / CAL TRANS☐ Complete _____ hours / days of
Community Service / Cal Trans.☐ In lieu of fine ☐ In lieu of Jail☐ In lieu of Cal Trans, defendant to perform
physical labor.☐ Make restitution as determined through☐ Victim Witness ☐ Probation☐ Probation to terminate / be modified to

Informal status upon _____

RESTITUTION IS RESOLVED IN C.
CASES PENDING ELSEWHERE and in
ADDITIONAL TERMS & CONDITIONS on a
County
CIVIL Case #
03CC
12503

SEE ATTACHED 'A',
WHICH IS INCORPORATED
HEREIN

DEFENDANT ☒DEFENSE ATTORNEY ☒

D.A. Signature _____

ATTACHMENT 'A'

People v. Chen, et al.

Superior Court Case No. 03CF1520

5. Effective upon entry of this Injunction and Final Judgment Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all persons acting by, for and on behalf of these persons, are hereby permanently enjoined and restrained within the State of California from operating, owning and/or having any interest in any business of manufacturing, selling, compounding, distributing, advertising, labeling, delivering, holding and possessing and offering for sale drugs, new drugs, unapproved pharmaceuticals, dietary supplements as defined in Title 17, Section 10200 of the California Code of Regulations, and/or alleged pure herbal compounds and related products and compounds, whether or not adulterated and/or misbranded, to residents and consumers in the State of California.

6. Effective upon entry of this Judgment, Defendants John C. H. Chen, Xuhui Wang, Sophie S. Chen, and International Medical Research, Inc., and all officers, employees, representatives, persons, corporations or other entities acting by, through, under or on behalf of said Defendants or within the course and scope of their employment by the Defendants, are hereby permanently enjoined and restrained under Business and Professions Code section 17203 and Health and Safety Code section 111900, in the County of Orange and elsewhere in the state of California, from violating Business and Professions Code section 17200 and Health and Safety Code section 109875, et seq. ("Sherman Act"), by any of, but not limited to, the following acts or practices:

A. Manufacturing, selling, delivering, holding, or offering for sale any products known as and/or called pure herbal products and/or dietary supplements.

ATTACHMENT 'A'***People v. Chen, et al*****Superior Court Case No. 03CF1520**

B. Manufacturing, selling, delivering, holding, or offering for sale any drug and/or new drug as defined in Health and Safety Code sections 109925 and 109980, unless it complies with the requirements in Health and Safety Code section 111550 and is approved by the Federal or state authorities.

C. Failing to comply with the licensing requirements in Health and Safety Code section 110460 to the extent such compliance is required in connection with Defendants' activities.

D. Manufacturing, selling, delivering, holding, or offering for sale any dietary supplement that is misbranded in violation of Health and Safety Code section 110660.

E. Manufacturing, selling, delivering, holding, or offering for sale any product with labels that do not conform with the requirements for nutrient content or health claims as set forth in section 403(r) (21 U.S.C. Sec. 343(r)) of the federal act and the regulations adopted pursuant thereto, in violation of Health and Safety Code section 110670.

F. Violating Business and Professions Code section 17500 in the sale and advertising of dietary supplements and drugs.

G. Violating any of the provisions and regulations of Health and Safety Code section 109875, et seq. ("Sherman Act").

H. Violating Business and Professions Code section 17200 in the sale and advertising of dietary supplements and drugs.