UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 1:20-mj-03050-AOR

UNITED STATES OF AMERICA

v.

MARK SCOTT GRENON,
JONATHAN DAVID GRENON,
JORDAN PAUL GRENON, and
JOSEPH TIMOTHY GRENON,

Defendants.
_____/

CRIMINAL COVER SHEET

1. Did this matter originate from a matter pending in the Central Region of the United States Attorney's Office prior to August 9, 2013 (Mag. Judge Alicia Valle)? _____Yes __x__ No

2. Did this matter originate from a matter pending in the Northern Region of the United States Attorney's Office prior to August 8, 2014 (Mag. Judge Shaniek Maynard)? _____Yes __x__ No

Respectfully submitted,

ARIANA FAJARDO ORSHAN
UNITED STATES ATTORNEY

BY: _____

MICHAEL B. HOMER
Assistant United States Attorney
Court ID No. A5502497
99 Northeast 4th Street
Miami, Florida 33132-2111
Tel: (305) 961-9289
Michael.Homer@usdoj.gov

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

United States of America
v.
MARK SCOTT GRENON,
JONATHAN DAVID GRENON,
JORDAN PAUL GRENON, and
JOSEPH TIMOTHY GRENON,

Defendant(s)

Case No. 1:20-mj-03050-AOR

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 2010 through May 2020 in the county of Miami-Dade in the Southern District of Florida, the defendant(s) violated:

Code Section	*Offense Description*
18 U.S.C. § 371	Conspiracy to Defraud the United States and to Deliver Misbranded Drugs
18 U.S.C. § 401(3)	Criminal Contempt

This criminal complaint is based on these facts:

See Attached Affidavit.

☑ Continued on the attached sheet.

Complainant's signature

Jose Rivera, FDA-OCI Special Agent

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by FaceTime.

Date: 6/29/20

Judge's signature

City and state: Miami, Florida

Hon. Alicia M. Otazo-Reyes, U.S. Magistrate Judge

Printed name and title

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

No. 1:20-mj-03050-AOR

UNITED STATES OF AMERICA

v.

MARK SCOTT GRENON,
JONATHAN DAVID GRENON,
JORDAN PAUL GRENON, and
JOSEPH TIMOTHY GRENON,

FILED UNDER SEAL

Defendants.
_____/

AFFIDAVIT IN SUPPORT OF APPLICATION FOR CRIMINAL COMPLAINT

I, Jose Rivera, being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. I am a Special Agent with the United States Food and Drug Administration ("FDA") Office of Criminal Investigations ("OCI") (hereinafter, "FDA-OCI"). I am currently assigned to the Miami Field Office. As a Special Agent with FDA-OCI, I am responsible for investigating violations of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. § 301 et seq. ("FDCA") and other applicable violations of Title 18 of the United States Code. I have been a Special Agent with the FDA-OCI since July 2019. Before July 2019, I was a Special Agent and Digital Forensic Examiner with the United States Secret Service, where I worked under the Electronic Crimes Taskforce. During my career, I have investigated a wide range of crimes including FDCA violations, cybercrime, fraud, and money laundering.

2. This Affidavit is submitted in support of a criminal complaint charging MARK SCOTT GRENON, JONATHAN DAVID GRENON, JORDAN PAUL GRENON, and JOSEPH

TIMOTHY GRENON with conspiracy to defraud the United States and to commit an offense against the United States by introducing a misbranded drug into interstate commerce, in violation of 18 U.S.C. § 371, and criminal contempt, in violation of 18 U.S.C. § 401(3).

3. This Affidavit is based on my own personal knowledge, training, and experience, as well as information provided to me by other law enforcement officers and FDA officials, and my review of documents, reports, and records during the course of this investigation.

4. I have not included in this Affidavit each and every fact known to me about this investigation. Rather, I have included only enough facts sufficient to establish probable cause for the issuance of a criminal complaint charging the defendants with the above-described criminal violations.

FDCA REGULATORY FRAMEWORK

5. The FDA is the federal agency charged with the responsibility of protecting the health and safety of the American public, by assuring, among other things, that drugs marketed and distributed to the American public are safe and effective. The FDA's responsibilities include enforcing the FDCA, and regulating the manufacture, labels, labeling, and distribution of all drugs shipped or received in interstate commerce.

6. Whether a product is a "drug" under the FDCA depends on its intended use. 21 U.S.C. § 321(g)(1). Products that are "intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease" are drugs within the meaning of the FDCA, 21 U.S.C. § 321(g)(1)(B), as are products intended for use as components of other drugs, 21 U.S.C. § 321(g)(1)(D).

7. The "intended use" of a drug means the objective intent of the persons legally responsible for labeling of that product. The intent is determined by such person's expressions,

the circumstances surrounding the distribution of the article, labeling claims, advertising matter, or oral or written statements by such persons or their representatives. 21 C.F.R. § 201.128.

8. The FDCA defines "labeling" as "all labels and other written, printed, or graphic matter (1) upon any article or any of its containers or wrappers, or (2) accompanying such article," 21 U.S.C. § 321(m), and "label" as "a display of written, printed, or graphic matter upon the immediate container of any article," 21 U.S.C. § 321(k).

9. Every person, upon first engaging in the manufacture, preparation, propagation, compounding, or processing of a drug, is required to immediately register with the FDA such person's name, places of business, all such establishments owned or operated by such person, the unique facility identifier of each such establishment, and a point of contact email address. 21 U.S.C. § 360(b)(1) & (c).

10. The term "manufacture, preparation, propagation, compounding, or processing" includes repackaging or otherwise changing the container, wrapper, or labeling of any drug package in furtherance of the distribution of the drug from the original place of manufacture to the person who makes final delivery or sale to the ultimate consumer or user. 21 U.S.C. § 360(a)(1).

11. A drug is misbranded under the FDCA if it is manufactured, prepared, propagated, compounded, or processed in an establishment in any State not duly registered with FDA. 21 U.S.C. § 352(o).

12. A drug can also be misbranded under the FDCA if its labeling fails to bear "adequate directions for use." 21 U.S.C. § 352(f)(1).

13. "Adequate directions for use" means directions under which a layman can use a drug safely for the purposes for which it is intended. 21 C.F.R. § 201.5.

14. Under the FDCA, a "prescription drug" is any drug intended for use in humans that, because of its toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary for its use, is not safe for use except under the supervision of a practitioner licensed by law to administer such drug; or is limited by an approved application under section 21 U.S.C. § 355 for use under the professional supervision of a practitioner licensed by law to administer such drug. 21 U.S.C. § 353(b)(1).

15. Because a prescription drug, by definition, is safe for use only under the supervision of a licensed practitioner, there are no directions that could enable a layman to use a prescription drug safely. Therefore, adequate directions for use cannot be written for a prescription drug.

16. The FDCA prohibits the introduction or delivery for introduction into interstate commerce, or the causing thereof, of misbranded drugs. 21 U.S.C. § 331(a).

17. Any person who commits the aforementioned prohibited act under the FDCA commits a misdemeanor, regardless of mens rea, punishable by imprisonment for not more than one year. 21 U.S.C. § 333(a)(1).

18. Any person who commits the aforementioned prohibited act under the FDCA, with the intent to defraud or mislead government regulators, commits a felony, punishable by up to three years imprisonment. 21 U.S.C. § 333(a)(2).

19. If any two or more persons agree to commit the aforementioned prohibited act under the FDCA, with the intent to defraud or mislead government regulators, such persons conspire to commit an offense against the United States, which constitutes a felony and is punishable by up to five years imprisonment. 18 U.S.C. § 371.

PROBABLE CAUSE

Miracle Mineral Solution

20. Miracle Mineral Solution ("MMS") is a liquid solution containing sodium chlorite and water. When MMS is mixed with an acidic activator, as directed by the defendants, the chemical reaction produces chlorine dioxide.

21. Chlorine dioxide is a powerful bleaching agent typically used for bleaching and stripping textiles, pulp, and paper. Chlorine dioxide is also used in industrial water treatment, because it is a disinfectant, capable of killing pathogenic microorganisms such as fungi, bacteria, and viruses.

22. On or about August 12, 2019, FDA issued a press release titled "FDA warns consumers about the dangerous and potentially life threatening side effects of Miracle Mineral Solution." *See FDA warns consumers about the dangerous and potentially life threatening side effects of Miracle Mineral Solution* (Aug. 12, 2019), https://www.fda.gov/news-events/press-announcements/fda-warns-consumers-about-dangerous-and-potentially-life-threatening-side-effects-miracle-mineral (last visited on or about March 29, 2020).

23. In this press release, FDA warned consumers that "Miracle Mineral Solution has not been approved by the FDA for any use . . . . [T]he solution, when mixed, develops into a dangerous bleach which has caused serious and potentially life-threatening side effects . . . . [I]ngesting these products is the same as drinking bleach. Consumers should not use these products, and parents should not give these products to their children for any reason." *Id.*

24. FDA has received numerous reports of adverse reactions to MMS. These adverse reactions include hospitalizations, life-threatening conditions, and death.

The Defendants and Genesis II Church of Health and Healing

25. MARK SCOTT GRENON and his sons, JONATHAN DAVID GRENON, JORDAN PAUL GRENON, and JOSEPH TIMOTHY GRENON (collectively, the "GRENONS"), manufactured, promoted, sold, and distributed MMS to the American public.

26. The GRENONS claimed that MMS was a miracle cure-all that could treat, prevent, and cure a variety of serious diseases and disorders, including cancer, Alzheimer's, autism, malaria, Parkinson's, multiple sclerosis, and HIV/AIDS.

27. By targeting vulnerable populations with incurable or otherwise serious diseases and disorders, the GRENONS sold thousands of bottles of MMS to consumers all across the country, including to consumers in Miami-Dade County, in the Southern District of Florida. In the last year alone, the GRENONS collected approximately five hundred thousand dollars ($500,000) in MMS-related sales revenue.

28. The GRENONS manufactured, promoted, sold, and distributed MMS under the guise of Genesis II Church of Health and Healing ("Genesis"), an avowedly non-religious entity that MARK SCOTT GRENON and Co-Conspirator 1 co-founded in or around April 2010 in order to evade government regulation of MMS.

29. The GRENONS have admitted that they operated Genesis for the express purpose of cloaking their unlawful conduct with respect to MMS as constitutionally protected religious exercise, in an attempt to avoid government scrutiny of their actions and shield themselves from liability. However, Genesis' own websites describe Genesis as a "non-religious church," and MARK SCOTT GRENON, the co-founder of Genesis, has repeatedly acknowledged that Genesis "has nothing to do with religion."

30. For example, in a February 19, 2020, interview of MARK SCOTT GRENON and JONATHAN DAVID GRENON, MARK SCOTT GRENON was asked why he founded Genesis. MARK SCOTT GRENON replied: "Because everything you do commercially is under the Universal Commercial code, okay? A church is completely separate from that code, statutes, and laws. That's why a priest can give a kid wine in church publicly and not get arrested. Because it's a sacrament.[…] I knew this because . . . they tried to arrest us for proclaiming stuff on the street in Boston. They threw it out of court because we're a church. You can't arrest us from doing one of our sacraments, and I knew this. So that's why . . . I said let's do a church. We could have done temple. We could have done synagogue. We could have done mosque." The interviewer then asked, "so [the founding of Genesis] wasn't really about religion? It was in order to – to in a way, legalize the use of MMS?" MARK SCOTT GRENON replied, "Right. It wasn't at all religious."

31. In that same interview, MARK SCOTT GRENON described how he first decided to create Genesis during an April 2010 seminar while teaching seminar attendees how to use and how to market MMS. MARK SCOTT GRENON explained that he told the seminar attendees: "Listen, we're going to start a church.[…] And man, they flipped out. Everybody hated the idea. And we said you've got to do this, folks, or you're going to go to jail.[…]"

Promotional Claims Regarding MMS and Coronavirus

32. Recently, the GRENONS have promoted MMS to treat and prevent novel coronavirus disease 2019, also known as COVID-19 (hereinafter, "Coronavirus").

33. For example, on or about April 1, 2020, I visited www.g2churchnews.org, a Genesis-affiliated website maintained by MARK SCOTT GRENON, where GRENON posts weekly newsletters extolling the healing powers of MMS. On this website, I read a March 4, 2020,

CONCLUSION

101. Based on the foregoing, I respectfully submit that probable cause exists that MARK SCOTT GRENON, JONATHAN DAVID GRENON, JORDAN PAUL GRENON, and JOSEPH TIMOTHY GRENON did commit conspiracy to defraud the United States and to commit an offense against the United States by introducing a misbranded drug into interstate commerce, in violation of 18 U.S.C. § 371, and criminal contempt, in violation of 18 U.S.C. § 401(3).

FURTHER YOUR AFFIANT SAYETH NAUGHT.

JOSE RIVERA
FDA-OCI SPECIAL AGENT

Attested to in accordance with the requirements
of Fed. R. Crim. P. 4.1 by FaceTime
this 29th day of June, 2020.

HONORABLE ALICIA M. OTAZO-REYES
UNITED STATES MAGISTRATE JUDGE