

UNITED STATES GRAND JURY  
DISTRICT OF NEW JERSEY  
FILE NO. 2005R00157

ORIGINAL

1 UNITED STATES OF AMERICA,

Testimony of:  
HEATHER GIFFORD

2 vs.

3 JOHN DOE,

4 Defendant.

5 -----x  
6 Clarkson S. Fisher Courthouse  
7 402 East State Street  
8 Grand Jury Room  
9 Trenton, New Jersey  
10 Thursday, August 17, 2006  
11

12 A P P E A R A N C E S:

13 For the United States  
14 of America

15 EUGENIA COWLES,  
16 Assistant United States Attorney

17  
18 Reported by:  
19 KATHLEEN F. SIGLE, C.S.R.

20  
21  
22 REPORTING SERVICES ARRANGED THROUGH  
23 VERITEXT/NEW JERSEY REPORTING COMPANY  
24 25B Vreeland Road  
25 Suite 301  
Florham Park, New Jersey 07932  
Tel: (973) 410-4040 Fax: (973) 410-1313

**GOVERNMENT  
EXHIBIT**  
**J-HG-1**

1 Q So, you would rely on his judgment on  
2 choosing a product to treat you with?

3 A Right.

4 Q Did you ever hear about problems with the  
5 TRI product?

6 A No, not directly related to the TRI. I mean, I  
7 did hear about the thing that happened in Florida,  
8 but --

9 Q Tell us about what you heard that happened  
10 in Florida.

11 A That there was a doctor down there who had gotten  
12 a product to give to I think it was himself, his  
13 girlfriend and another couple that ended up with  
14 botulism and then Dr. Poet told me and when I spoke to  
15 you the last time I said 60,000 gallons, but it was  
16 mixed, it should have been mixed, what the guy received  
17 it should have been mixed with 60 gallons of saline to  
18 make the proper dose.

19 Q So, I understood from what you just said  
20 you had talked about this incident with Dr. Poet, is  
21 that correct?

22 A No.

23 Q No?

24 A I said when I said to you before, our last  
25 conversation that it should have been mixed with 60,000

1 gallons, but it should have only been mixed with 60  
2 gallons.

3 Q How did you originally hear about the  
4 incident you're talking about? Who were you talking  
5 about?

6 A Talking I heard about it on T.V.

7 Q On T.V.?

8 A And then -- and then I asked about it in the  
9 office.

10 Q Did you speak to Dr. Poet about it in the  
11 office?

12 A Yep.

13 Q And did Dr. Poet explain to you what the  
14 product was that had been used in Florida?

15 A He said that it was Botulinium Toxin, that it  
16 came -- that it came from a lab that had 100 micro units  
17 in the vial.

18 Q Did he tell you if it came from TRI  
19 specifically?

20 A No.

21 Q Did he say that it did not come from TRI?

22 A He said it came from a lab in California.

23 Q And you understood that to be different  
24 than the TRI lab?

25 A Right.

1 Q And I appreciate your clarification, is it  
2 also Dr. Poet who indicated that the problems in Florida  
3 were caused because this substance was not mixed with  
4 enough saline?

5 A Yes.

6 Q Now, do you recall when Dr. Poet was  
7 providing treatments if he specified to the patients  
8 whether they would receive Botox or the TRI product?

9 A Did he specify that they would receive it, no.

10 Q So, he didn't tell them which product they  
11 would receive?

12 A Right.

13 Q Do you remember if he provided information  
14 to them about the TRI product when he was presenting  
15 their options at the beginning of treatment?

16 A No.

17 Q Do you recall any patients reporting  
18 problems with the TRI product to your office?

19 A I don't think so.

20 Q Now, you mentioned previously that you had  
21 spoken to us before, to me and I believe also to a  
22 special agent from the FDA about these incidents?

23 A Right.

24 Q Other than speaking to your attorney have  
25 you talked to anyone else in preparation for today's