



PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
Office of Consumer Protection
124 Halsey Street, 7th Floor, Newark, NJ 07102



MATTHEW J. PLATKIN
Acting Attorney General

SEAN P. NEAFSEY
Acting Director

Mailing Address:
P.O. Box 45025
Newark, NJ 07101
(973) 504-6200

March 28, 2022

VIA CERTIFIED AND REGULAR MAIL

Sanraj, Inc.
d/b/a Iselin Pharmacy
1186 Green Street
Iselin, New Jersey 08830

Dear Mr. Shah:

Please find the enclosed Notice of Violation, NOV2200041, dated March 28, 2022. Please respond by signing and returning one of the three options within the NOV to Investigator Roger Hines, at HinesR@dca.njoag.gov by **April 12, 2022**. Please note, if you fail to respond to this Notice of Violation by the date specified above, a Final Order on Default will be issued.

Please be advised all mitigation conferenced and pre-hearing conferences normally held in the Newark Office located at 124 Halsey Street, 7th Floor, Newark, New Jersey 07102, are being held remotely until further notice.

The call in number for the remote meeting scheduled for **April 25, 2022 at 11:00 PM;**

- **Call in (audio only): 1-(856) 288-3130**
- **Phone Conference ID: 470 388 521#**

If you have any questions, you may reach me at HinesR@dca.njoag.gov

Sincerely,

Roger Hines

Roger Hines
Investigator, Office of Consumer Protection



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VIA CERTIFIED AND REGULAR MAIL

Sanraj, Inc. d/b/a Iselin Pharmacy
1186 Green Street
Iselin, New Jersey 08830
Attn: Sanjay Shah, CEO

NOTICE OF VIOLATION AND OFFER OF SETTLEMENT

Dear Mr. Shah:

The New Jersey Division of Consumer Affairs, Office of Consumer Protection (“Division”) is charged with the enforcement of the New Jersey Consumer Fraud Act, **N.J.S.A. 56:8-1 to -227** (“CFA”). The Division conducted an investigation of Sanraj, Inc. d/b/a Iselin Pharmacy (“You” or “Your”) after receiving information that raises concerns regarding Your sales practices concerning COVID-19 test kits in the midst of the current public health crisis related to the COVID-19 pandemic (hereinafter “Investigation”). Specifically, the Division has determined that You were selling COVID-19 test kits to the general public that were not permitted for at-home use in violation of the Food and Drug Administration’s (“FDA”) Emergency Use Authorization (“EUA”), dated May 20, 2021.

The World Health Organization declared COVID-19 a global health emergency on January 30, 2020 and subsequently declared COVID-19 a pandemic on March 11, 2020. On March 9, 2020, Governor Philip D. Murphy issued Executive Order No. 103 (2020), declaring both a Public Health Emergency and a State of Emergency. Shortly thereafter, a national emergency was declared in the United States on March 13, 2020. On February 10, 2022, Governor Murphy issued Executive Order 288 (2022) declaring that a Public Health Emergency continues to exist in the State of New Jersey. The Attorney General of New Jersey and the Division will not tolerate unfair business practices, or any other attempt to prey on or profit from consumers’ fears or concerns relating to the COVID-19 pandemic.

The CFA, specifically **N.J.S.A. 56:8-2**, prohibits:

The act, use or employment by any person of any unconscionable commercial practice, deception, fraud, false pretense, false promise, misrepresentation, or the knowing[] concealment, suppression, or omission of any material fact with intent that others rely upon such concealment,

suppression or omission, in connection with the sale or advertisement of any merchandise or real estate, or with the subsequent performance of such person as aforesaid, whether or not any person has in fact been misled, deceived or damaged thereby

As set forth in the attached Certification of Investigator Roger Hines ("Investigator Hines"), You have offered for sale and sold COVID-19 test kits to the general public that were not permitted for at-home use. As a result of the Division's Investigation, You have been found to have violated the CFA by:

1. Offering for sale and selling COVID-19 tests to the general public that were not permitted for at-home use, in violation of the CFA, **N.J.S.A. 56:8-2.**

Each violation constitutes a separate violation of the CFA, subjecting You to civil penalties pursuant to **N.J.S.A. 56:8-13.**

IF YOU DO NOT CONTEST THE VIOLATIONS ALLEGED and wish to avail Yourself of this opportunity to settle the Investigation, **You should sign and return the enclosed Answering Certification within fifteen (15) days** from the date of this Notice and agree to:

1. Cease and desist from engaging in any practices in violation of the CFA;
2. Cease and desist from offering for sale and/or selling COVID-19 tests to the general public that are not permitted for at-home use; and
3. Pay a civil penalty in the amount of \$2,500.00.

If the above-referenced payment in the total amount of \$2,500.00 is received by the Division within 15 days of the date of this Notice, along with your signed Answering Certification, You need not do anything further.

IF YOU DO NOT CONTEST THE VIOLATIONS ALLEGED, but want to present information to Division representatives about any mitigating circumstances in Your case that may persuade the Division to reduce the civil penalty, You may request an informal **Mitigation Conference**. If You request a Mitigation Conference, **You will waive Your right to an Administrative Hearing**. The Mitigation Conference date is **April 25, 2022 at 11:00 a.m., and will be held via teleconference with Investigator Roger Hines ("Investigator Hines"), a representative of the Division. The conference call in number is 856-288-3130 and the conference ID number is 470 388 521#. You may be accompanied by an attorney. Should you have any questions regarding this procedure, or seek an adjournment of this date, please contact Investigator Hines at (973) 504-6238 or HinesR@dca.njoag.gov. Alternatively, You may send written documentation to the Division concerning any mitigating circumstances that You believe may persuade the Division to reduce the civil penalty. **In order to elect either of these options, You must return the enclosed Answering Certification within fifteen (15) days from the date of this Notice.** The Division will then review this material and respond to You.**

IF YOU CONTEST THE VIOLATIONS ALLEGED, and do not wish to settle the matter consistent with the terms set forth above, **You may request a formal Administrative Hearing by returning the enclosed Answering Certification within fifteen (15) days from the date of this Notice to Investigator Hines at the email address indicated above.** In that event, this Notice will serve as notice of the violations against you. You should be aware that in making his final decision, the Director of the Division may, if violations of the above-referenced statute have been proven, order civil penalties and remedies other than the settlement offer above. **Specifically, You may be ordered to: pay civil penalties in an amount up to \$10,000 for the first violation and up to \$20,000 for the second violation and each subsequent violation pursuant to N.J.S.A. 56:8-13; pay consumer restitution pursuant to N.J.S.A. 56:8-15; pay investigative costs and attorneys' fees to the Division, pursuant to N.J.S.A. 56:8-11 and 56:8-19; and cease and desist from any acts or practices in violation of the CFA, pursuant to N.J.S.A. 56:8-18.**

Before a determination is made with regard to whether an **Administrative Hearing** will be conducted before the Director of the Division or referred to the Office of Administrative Law, a **Pre-Hearing Conference** will be held. If You request an **Administrative Hearing**, your **Pre-Hearing Conference** will be scheduled **on April 25, 2022 at 11:00 a.m., and will be held via teleconference with Investigator Hines. The conference call in number is 856-288-3130 and the conference ID number is 470 388 521#. You may be accompanied by an attorney.** Should You have any questions regarding this procedure, or seek an adjournment of this date, please contact **Investigator Hines**, who may be reached at **(973) 504-6238** or **HinesR@dca.njoag.gov**. **Your attendance at this Pre-Hearing Conference is mandatory.** Any failure to appear without a satisfactory explanation may result in an order barring You from raising certain defenses at the **Administrative Hearing**, pursuant to **N.J.A.C. 1:1-14.4**. The purpose of this **Pre-Hearing Conference** is to discuss the issues in this matter and the defenses which You may wish to raise. You should be prepared to discuss the evidence You will propose to offer at the **Administrative Hearing**. It may be helpful if You bring to the **Pre-Hearing Conference** a copy of any documentation that supports Your position. If the Director of the Division determines that there are no material facts in dispute, You will have an opportunity to submit legal arguments and any documentation that may be relevant to the ultimate disposition of this matter. If there are material facts in dispute, an **Administrative Hearing** will be scheduled. During the **Administrative Hearing**, You, either personally or with the assistance of an attorney, will have an opportunity to respond to the alleged violations and submit evidence and present testimony as may be necessary for the Director of the Division to make a final determination. **Pursuant to N.J.A.C. 1:1-5.1, and except as provided in N.J.A.C. 1:1-5.4, a corporation must be represented by an attorney.**

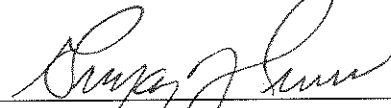
IF YOU FAIL TO RESPOND to this Notice within fifteen (15) days of the date of this Notice, the settlement offer will be withdrawn and You will be deemed in default. The allegations against You will be deemed uncontested. Thereafter, this Notice and the underlying proofs may be reviewed by the Director of the Division, and a **Final Decision and Order on Default ("Default Order")** will be issued, and **You may be ordered to: pay civil penalties in an amount up to \$10,000 for the first violation and up to \$20,000 for the second violation and each subsequent violation pursuant to N.J.S.A. 56:8-13; pay consumer restitution pursuant to N.J.S.A. 56:8-15; pay**

investigative costs and attorneys' fees to the Division pursuant to N.J.S.A. 56:8-11 and 56:8-19; and cease and desist from any act or practice in violation of the CFA, pursuant to N.J.S.A. 56:8-18. You will receive no further notice from the Division prior to the issuance of a Default Order. Once a **Default Order** has been entered, Your failure to pay any civil penalties, attorneys' fees, investigative costs and/or restitution within the time allowed will result in the filing of a **Certificate of Debt**. **Any subsequent violation of a Default Order with a cease and desist provision may subject You to a penalty of up to \$25,000 per violation pursuant to N.J.S.A. 56:8-18.** Service of a **Default Order** will be deemed effective if sent by first-class mail and certified mail, return receipt requested, to your last known mailing address.

Should You have any questions, please contact **Investigator Hines** at **(973) 504-6238** or **HinesR@dca.njoag.gov**.

New Jersey Division of Consumer Affairs
Office of Consumer Protection

By: _____



Gregory K. Turner
Assistant Deputy of Enforcement

ANSWERING CERTIFICATION

I, _____, hereby acknowledge that I have read and reviewed the Notice, regarding alleged violations of the **CFA, N.J.S.A. 56:8-1 to - 226**.

PLEASE CHECK ONE OF THE OPTIONS BELOW:

(OPTION 1): Sanraj, Inc. d/b/a Iselin Pharmacy

_____ **I DO NOT CONTEST THE VIOLATIONS ALLEGED** and acknowledge the conduct that has been alleged and **agree** to:

1. Cease and desist from engaging in any practices in violation of the CFA;
2. Cease and desist from offering for sale and/or selling COVID-19 tests to the general public that are not permitted for at-home use; and
3. Pay a civil penalty in the amount of \$2,500.00.

I understand that if the above-referenced payment in the total amount of \$2,500.00 is received by the Division, along with my signed Answering Certification, I need not do anything further.

I am also aware that the action taken against Sanraj, Inc. d/b/a Iselin Pharmacy by the Division herein is a matter of public record and that the Division's **Notice** and this **Answering Certification** are public documents. I am enclosing herewith a cashier's check or money order in the sum of **\$2,500.00** made payable to the "New Jersey Division of Consumer Affairs," which I am mailing or delivering to: New Jersey Department of Law and Public Safety, Division of Consumer Affairs, Office of Consumer Protection, 124 Halsey Street, P.O. Box 45025, Newark, New Jersey 07101, ATTN: Van Mallett, Lead Investigator.

Dated: _____

By: _____
SIGN NAME

Name: _____
PRINT NAME

(OPTION 2): Sanraj, Inc. d/b/a Iselin Pharmacy

_____ **I DO NOT CONTEST THE VIOLATIONS ALLEGED** and hereby waive any rights I may have to an **Administrative Hearing** in this matter to defend Sanraj, Inc. d/b/a Iselin Pharmacy against any alleged violations, **BUT** I ask the Division to consider mitigating circumstances before rendering its final decision.

_____ I request a **Mitigation Conference** to present information to Division representatives; I understand that the **Mitigation Conference will be held on April 25, 2022 at 11:00 a.m., and will be held via teleconference. I am aware that I may be represented by an attorney at the Mitigation Conference.**

_____ I am submitting **written documentation concerning mitigating circumstances**; I understand that the Division will consider this material before rendering a final decision.

I understand that, if, after considering the mitigation evidence presented, the Division is not persuaded that any reduction in the amounts set forth above and in the **Notice** is warranted, or that any of the other terms or conditions should be modified, the following terms may be ordered and Sanraj, Inc. d/b/a Iselin Pharmacy, will be obligated to:

1. Cease and desist from engaging in any practices in violation of the CFA;
2. Cease and desist from offering for sale and/or selling COVID-19 tests to the general public that are not permitted for at-home use; and
3. Pay a civil penalty in the amount of \$2,500.00.

If a modification in these terms is accepted by the Division, I will be notified of the amounts that I must pay. I am also aware that the action taken against Sanraj Inc. d/b/a Iselin Pharmacy by the Division herein is a matter of public record and that the Division's **Notice** and this **Answering Certification** are public documents. I am further aware that failure to comply may subject Sanraj Inc. d/b/a Iselin Pharmacy to further enforcement proceedings and any failure to make a required payment will result in the filing of a **Certificate of Debt**.

Dated: _____

By: _____
SIGN NAME

Name: _____
PRINT NAME

(OPTION 3): Sanraj Inc. d/b/a Iselin Pharmacy

I CONTEST THE VIOLATIONS ALLEGED and request a formal Administrative Hearing. I understand that I am required to attend a **Pre-Hearing Conference on April 25, 2022 at 11:00 a.m., via teleconference**, at which the issues in this matter will be discussed. **I am aware that I may be represented by an attorney at the Pre-Hearing Conference.**

If the Division and I agree upon any essential settlement terms at the **Pre-Hearing Conference**, I understand that:

1. These terms will be included in a document ("Pre-Hearing Settlement Sheet");
2. The Division representative and I will sign the Pre-Hearing Settlement Sheet and Sanraj Inc. d/b/a Iselin Pharmacy will be bound by it; and
3. The Division will send me a **Consent Order**, which will include all settlement terms. I also understand that **I must sign and return the Consent Order and any required payment to the Division within thirty (30) days** of the date that the Division sends it to me.

I further understand that if I fail to do so, the Division will present this matter to the Director of the Division based upon this **Notice**, and a **Final Decision and Order After NOV ("Order")** will be issued. **I will receive no further notice from the Division prior to issuance of an Order.**

If the Division and I do not agree upon settlement terms at the **Pre-Hearing Conference**, I will thereafter be advised of the time, date and place for the **Administrative Hearing** if a determination has been made that there are material facts in dispute. **I am aware that I may be represented by an attorney at the Administrative Hearing.** I am also aware that at the time of the **Administrative Hearing**, I may offer testimony, documentation and legal argument relevant to the alleged violations. **I understand that in making a final decision, the Director of the Division may, if unlawful activity has been proven, assess civil penalties, attorneys' fees and investigative costs and/or issue a cease and desist order exceeding the settlement offer in the Notice**, and may order such other remedies as deemed appropriate. I am also aware that this proceeding is a matter of public record and that the **Notice** and this **Answering Certification** are public documents.

Dated: _____

By: _____
SIGN NAME

Name: _____
PRINT NAME

Sanraj, Inc.
d/b/a Iselin Pharmacy
1186 Green Street
Iselin, New Jersey 08830
License No: 28RS00514900

INVESTIGATIVE CERTIFICATION

I, Roger Hines, being of full age, do hereby certify as follows:

1. I am employed as an Investigator by the Office of the Attorney General, Division of Consumer Affairs, Office of Consumer Protection ("Division"), located at 124 Halsey Street, Newark, New Jersey 07101, and have held that position at all times relevant to this Certification.
2. On January 6, 2022, I was instructed to conduct a site inspection of Sanraj, Inc. d/b/a Iselin Pharmacy, located at 1186 Green Street in Iselin, New Jersey 08830 ("Iselin Pharmacy") based on concerns regarding the sale of COVID-19 test kits.
3. On the same day, Investigator Ediz Laypan ("Investigator Laypan") and I arrived at Iselin Pharmacy location at approximately 11:36 a.m. Upon arrival, I observed a sign posted on the front door identifying, amongst other things, Hiral Patel as the Pharmacist in Charge. See Iselin Pharmacy exterior photographs taken January 6, 2022 attached as **Exhibit A**.
4. Upon entering Iselin Pharmacy, I conducted a thorough visual inspection of the pharmacy and did not observe any COVID-19 test kits being offered for sale within areas that were readily accessible to customers.
5. Following visual inspection of the pharmacy, Investigator Laypan and I approached the back counter and introduced ourselves to the store clerk. The store clerk immediately directed us to speak with another individual behind the counter, who identified herself as Hiral Patel.
6. I asked Ms. Patel if Iselin Pharmacy was selling any COVID-19 test kits. Ms. Patel answered that they were currently selling CareStart COVID-19 Antigen Home Tests. The product was available behind the pharmacy counter and Ms. Patel offered us an individual package to inspect. The package did not contain any pricing information, nor did I observe any pricing information otherwise on display. See January 6, 2022 CareStart COVID-19 Antigen Home Test photograph attached as **Exhibit B**.

I then asked if Iselin Pharmacy was selling any re-packaged COVID-19 test kits. Ms. Patel stated that Iselin Pharmacy only sold one box of Sienna COVID-19 Antigen Rapid Test Cassette ("Sienna test") and that Iselin Pharmacy did not have any Sienna tests remaining.

7. Ms. Patel produced the original packaging for the Sienna test for us to inspect. The packaging noted "For professional in vitro diagnostic use only; For prescription use

only; For Emergency Use Authorization Only.” The packaging also detailed its contents as follows: Test Cassettes (25), Sterile Swabs (25), Buffer Droppers (25), Workstation (1), Package Insert (1), Quick User Guide (1), Positive Control Swab (1), and Negative Control Swab (1). In addition to the Sienna test box, I also observed a Quick User Guide and “Fact Sheet for Patients.” See January 6, 2022 Sienna test photographs attached as **Exhibit C**.

8. Ms. Patel explained that Iselin Pharmacy separated the contents of the Sienna test and assembled them into twenty-five (25) individual test kits. Each individual test kit included a test cassette, swab, buffer, user guide, and fact sheet assembled in a white pharmacy bag. Each kit was offered for sale for \$20.00.
9. Ms. Patel explained that because of the demand the Sienna tests were the only COVID-19 tests that Iselin Pharmacy was able to obtain at the time of their sale. Ms. Patel stated that the Sienna tests were obtained from Iselin Pharmacy’s lab but did not have the name of the lab or supplier, and did not have invoices for the pharmacy’s purchase of the Sienna tests., Ms. Patel advised that she would pass on our request for purchase information to the business owner who was out of town at the time. Ms. Patel provided us with an Iselin Pharmacy business card that had the name Sanjay Shah, R. Ph. See Iselin Pharmacy business card attached as **Exhibit D**.
10. Photographs were taken of all displayed business and employee registrations, licenses, and certifications. See Iselin Pharmacy registration photographs attached as **Exhibit E**.)
11. Investigator Laypan and I each left our contact information, and left the premises at approximately 12:10 p.m.
12. On January 10, 2022, at approximately 1:40 p.m., I left a voice mail message for Mr. Shah at Iselin Pharmacy, 732-283-1111.
13. On January 13, 2022, at approximately 8:58 a.m., I called Iselin Pharmacy, 732-283-1111, but the business was closed.
14. On the same date, at approximately 9:09 a.m., I called Iselin Pharmacy and asked to speak with Mr. Shah, owner of Iselin Pharmacy. The clerk who I was speaking with gave me Mr. Shah’s cell phone number, 732-688-6165.
15. On the same date, at approximately 10:58 a.m., I called Mr. Shah’s cell phone, 732-688-6165, and introduced myself. I explained that I had performed an inspection of Iselin Pharmacy on January 6, 2022, and wanted copies of any supplier information or purchase invoices for Sienna tests. Mr. Shah explained that because there were no tests to be found, he bought one box of Sienna tests from a colleague at Southwood Rita Pharmacy, located at 937 South Wood Avenue, Linden NJ 07036. Mr. Shah explained that Iselin Pharmacy would dispense the test with services (pharmacist performs test) or it could be sold as a home test. A test administered by the pharmacist was sold at \$40.00 per test. I asked Mr. Shah for an email contact, which he provided as sanjaykshah64@yahoo.com.

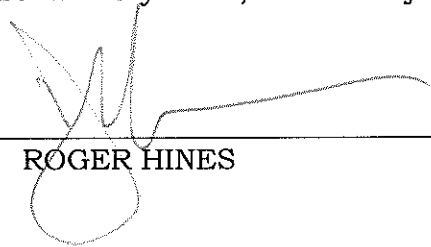
16. On January 13, at approximately 11:06 a.m., I sent an email request for supplier information and any purchase invoices for Sienna tests to Mr. Shah, at sanjaykshah64@yahoo.com. See January 13, 2022 Shah email attached as **Exhibit F**.
17. On the same date, at approximately 11:21 a.m., Mr. Shah sent an email to me with an attached invoice reflecting Southwood Rita Pharmacy's purchase of Sienna tests from Beyond Imagination LLC. Mr. Shah noted that Iselin Pharmacy bought one box of twenty-five Sienna tests from Southwood Rita Pharmacy. Mr. Shah also noted that each individual test was dispensed in Iselin Pharmacy's "Rx bag" and was sold for \$40.00 each if a customer wanted the test performed by Iselin Pharmacy, as compared to \$65.00-\$100.00 charged by other pharmacies performing the same services. **Ibid.**
18. On the same date, I reviewed the Southwood Rita Pharmacy invoice provided by Mr. Shah. The invoice documented Southwood Rita Pharmacy's address as 937 South Wood Avenue, Linden, New Jersey 07036. Without identifying a brand, the invoice indicated that 245 "COVID 19 antigen Rapid Test" were delivered to Southwood Rita Pharmacy on December 23, 2021. See Southwood Rita Pharmacy invoice, dated December 31, 2021, attached as **Exhibit G**.
19. On February 24, 2022, I obtained the New Jersey Department of Treasury, Division of Commercial Recording ("DCR") search result for Iselin Pharmacy. According to the DCR search result, Sanraj, Inc. was formed on April 19, 1995 and maintains a principal and main business address of 1186 Green Street, Iselin, New Jersey 08830. Sanraj, Inc. operates under the fictitious name, Iselin Pharmacy. Sanjay Shah is listed as the Chief Executive Officer and Vrajesh Desai is listed as the President. See Iselin Pharmacy DCR printout attached as **Exhibit H**.
20. On the same date, I obtained the DCR search result for Southwood Rita Pharmacy. According to the DCR search result, 937 South Wood LLC was formed on January 9, 2006 and maintains a main business address of 937 South Wood Ave., Linden, New Jersey 07036. 937 South Wood LLC operates under the fictitious name Southwood Rita Pharmacy. Sanjay Shah, Vrajesh Desai, and Jignesh Mehta are listed as officers of the organization. See Southwood Rita Pharmacy DCR printout attached as **Exhibit I**.
21. On the same date, I conducted a search of the New Jersey Division of Consumer Affairs License Verification System, located at <https://newjersey.mylicense.com/verification>, and verified Iselin Pharmacy's license number and active status. See License Verification attached as **Exhibit J**.
22. On March 7, 2022, I visited the Carolina Chemistries website, located at <https://www.carolinachemistries.com/sienna-covid-19-antigen-rapid-test> ("Product Information Website"), to review any additional product information for Sienna-Clarity COVID-19 Antigen Rapid Test Cassette. The Product Information Website contained PDF links for additional information, including "Fact Sheet for Patients" and "Instructions for Use (includes Quick User Guide)", which I reviewed and determined to be the same information that was provided to me by Ms. Patel during

the Iselin Pharmacy site inspection. See Product Information Website information attached as **Exhibit K**; See also **Exhibit C**.

23. On the same date, I reviewed the Food and Drug Administration's Emergency Use Authorization, dated May 20, 2021 ("EUA"), which was also available on the Product Information Website. The EUA states that testing of specimens using Sienna-Clarity COVID-19 Antigen Rapid Test Cassette is limited to authorized laboratories or, under certain conditions, in point of care settings. See EUA210062 attached as **Exhibit L**.

24. The documents submitted with this Certification are true copies of the documents in possession of the Division.

25. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.



ROGER HINES

Dated: March 18, 2022
Newark, New Jersey