

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA

v.

TOFTNESS POST-GRADUATE SCHOOL  
OF CHIROPRACTIC, INC., and DAVID  
RAY TOFTNESS,

Defendants.

Case No.

PETER J. ...  
CLERK US DIST COURT  
INFORMATION!  
**13 CR 48 BBC**

18 U.S.C. § 401(3)  
21 U.S.C. §331(a)

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

From in or about February 2005, and continuing thereafter until in or about  
September 2006, the defendant,

TOFTNESS POST-GRADUATE SCHOOL  
OF CHIROPRACTIC, INC.,

willfully and knowingly disobeyed and resisted a lawful order of a Court of the United  
States, that is, the order issued by the Honorable Robert W. Warren, United States  
District Judge on January 18, 1982, in the Western District of Wisconsin, in the case of  
*United States of America v. An article of Device . . . "Toftness Radiation Detector . . . ,"*  
*Toftness Post-Graduate School of Chiropractic, Inc., and Irving N., Toftness, 75-C-478, 479,*  
by knowingly and willfully shipping Toftness Radiation Detectors, as defined in the  
order.

(All in violation of Title 18, United States Code, Sections 401(3), a felony offense).

COUNT 2

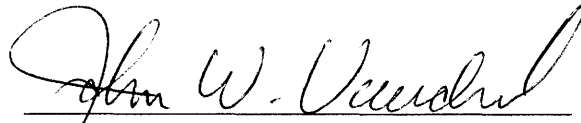
From in or about February 2005, and continuing thereafter until in or about September 2006, in the Western District of Wisconsin and elsewhere, the defendant,

DAVID RAY TOFTNESS,

introduced and caused to be introduced and delivered for introduction into interstate commerce a device called the "Toftness Device" or "Toftness Instrument," an alleged medical device purportedly for use in chiropractic practice, that was adulterated in that such device was required to have premarket approval in effect pursuant to 21 U.S.C. § 360e(a), or lacked an approved investigational device exemption pursuant to 21 U.S.C. § 360j(g).

(All in violation of Title 21, United States Code, Sections 331(a) and 333(a)(1)).

3/29/2013  
Date

  
JOHN W. VAUDREUIL  
United States Attorney