

AG Schimel: Wins \$4.5 million judgment against Milwaukee County synthetic cannabinoid retailer

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MADISON, Wis. – Attorney General Brad Schimel announced the Wisconsin Department of Justice (DOJ) has won a judgment against Atomic Glass and its owner, David Kelly, relating to sales of synthetic cannabinoids (“fake weed”) from the Atomic Glass store in Milwaukee from 2011 until December 2016.

“The formula for synthetic drugs changes quicker than lawmakers can outlaw it, many times hampering law enforcement’s ability to effectively enforce the state’s drug laws,” said Attorney General Schimel. “Thanks to the creative thinking of investigators and attorneys, DOJ was able to hold Atomic Glass accountable through the use of Wisconsin’s consumer protection laws and other retailers should take note. We cannot allow Wisconsinites, particularly our young people, to be harmed by potentially dangerous drugs, whether they are being peddled on the streets or sold by the person standing behind the counter of a convenience store.”

In May 2017, DOJ, on behalf of the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP), sued Atomic Glass and its principal, David Kelly, for selling designer drug synthetic cannabinoids known by such names as “Spice” and “Kush” in violation of Wisconsin consumer protection law, in particular, the prohibition on fraudulent drug advertising (Wis. Stat. § 100.182).

In July 2018, Milwaukee County Circuit Court Judge Timothy Witkowiak granted summary judgment and found Atomic Glass and Kelly liable for selling 60,006 packets of synthetic cannabinoid products in violation of Wisconsin’s fraudulent drug advertising statute. The judgment permanently prohibits Atomic Glass and Kelly from selling or assisting in the sale of synthetic cannabinoid substances and

requires them to pay \$4,560,587 in civil forfeitures, assessments, and costs.

“Spice” and “K2,” sometimes labelled as “herbal incense” or “potpourri,” are synthetic cannabinoids, are known to be unpredictable and dangerous, and are one type of designer drugs. They are similar to THC, the main psychotropic compound in marijuana, but have slightly different chemical compositions. Manufactured in clandestine laboratories using an ever-changing number of new chemical formulae, synthetic cannabinoid use can be highly addictive and has been linked to cases of organ failure, acute psychotic episodes, delirium, and death.

Some – but not all – synthetic cannabinoids are on the list of controlled substances, subject to criminal prohibition. The producers of these drugs continuously change the chemical formula to stay one step ahead of the legislation. When one of these chemicals becomes illegal, they switch to a new one. As a result, users often don’t know what they are getting when they smoke the drug, and these drugs have not been tested for safety and are not approved by the Food and Drug Administration (FDA).

Atomic Glass’s products were mislabeled as “incense” and “potpourri” but were intended for human consumption, despite bogus claims to the contrary on some of the package labels. The product packages do not warn buyers what is really in them, exposing users (and others) to risk of injury. Representing to buyers that they could achieve the effects of a drug that is not approved by the FDA is a violation of the prohibition on fraudulent drug advertising.

DOJ worked closely with DATCP, City of Milwaukee Attorney’s Office, DEA, Milwaukee Police Department, Wisconsin State Crime Laboratory, and Wisconsin State Hygiene Laboratory on this case.

DOJ Assistant Attorneys General Lewis Beilin and Frank Sullivan and Consumer Protection and Antitrust Unit Investigator Cam Howe led the state’s lawsuit against Atomic Glass.

The Centers for Disease Control and Prevention (CDC) has also [issued warnings](#) of severe bleeding and death related to the use of synthetic cannabinoids, as the cases have increased across the country. Illinois has had more than 160 cases and at least four deaths related to these drugs. The cases in Illinois were tested at a lab and found to be positive for Brodifacoum, which is a highly toxic chemical found in rat poison.

On August 1, 2018, Wisconsin Department of Health Services (DHS) confirmed a death in Milwaukee County related to the use of synthetic cannabinoid use. At this time, there is no known connection between Atomic Glass and this recent death.

DOJ and local law enforcement are urging anyone using synthetic cannabinoids to cease immediately and destroy them. If you or someone you know experiences unexpected and prolonged bruising or bleeding, particularly with minimal trauma (such as shaving or brushing teeth), contact the Wisconsin Poison Center for guidance at 1-800-222-1222 or www.wisconsinpoison.org.

Synthetic cannabinoids can be found across the U.S. in convenience stores, gas stations, drug paraphernalia shops, novelty stores, and online. If you see them being sold, please contact your local law enforcement agency for follow-up.

People who have used these drugs and experience severe or unexplained bleeding or bruising should call 9-1-1 or have someone take them to an emergency department immediately. If you have used these products and are not bleeding, you should still see a health care provider, as Brodifacoum can accumulate and remain in your system for a long period of time, and could still cause bleeding.

Individuals who cannot stop using synthetic cannabinoids should seek help from substance abuse treatment programs.

For more information on synthetic cannabinoids, please visit the [CDC website](http://www.cdc.gov).