



Law Firm of the Year
2008-09



Equality & Diversity, CSR
2008-09

Ben Hammersley
Associate Editor
WIRED
The Condé Nast Publications Limited
6-8 Old Bond Street
London
W15 4PH

Date 5 May 2009
Your ref
Our ref CHAPMAN/pac

By Post and By Email

Dear Sir

We refer to our telephone conversation earlier today.

Our client has prepared a response to your questions and this is attached.

The issues you raise are complex and controversial and our client's response should be considered carefully before publication.

In the meantime, all our client's rights are reserved.

Yours faithfully



EVERSHEDS LLP

Enc.

Dear Mr. Hammersley,

In reply to your inquiry dated May 4, 2009 about the work of the Dr. Rath Health Foundation in Africa, you are hereby officially informed about the following facts referring to the points 1 to 3 in your letter:

1. This statement is false and misleading

The facts are as follows:

- I. All major ARV drugs currently marketed worldwide are required by law to carry in the patient information of each drug package the warning that:
 - i. ARV drugs can neither cure HIV infections nor AIDS.
 - ii. ARV drugs attack the immune system, can cause immune damage and known side-effects include leucopenia, neutropenia and other forms of immune deficiencies.

The quotes from the original ARV manufacturers patient information sheets for the most widely used ARV drugs are documented here for your reference: www.ARV-facts.org.

- II. There are no placebo-controlled, long-term studies showing that ARVs are life saving or life prolonging. The effects of ARV drugs on survival of patients are limited, as shown by the study that was used to obtain the approval of AZT for AIDS treatment ([AZT licensing study](#)). In that study, involving AIDS patients, taking AZT showed only a short-term survival benefit. Moreover, the patients that survived had to be kept alive by red blood cell transfusions.

One of the largest studies conducted with AZT was a British/French study called "[Concorde](#)", involving HIV infected patients who had not developed any symptoms of AIDS. In this study, giving AZT did neither prevent the development of AIDS nor prolong the life of HIV-infected persons. In fact, in this large-scale study, those participants who took AZT drugs had a 25% higher death (mortality) rate compared to the control group who received only placebo.

- III. The value of vitamins in stimulating production of immune cells and improving immune function has been recognized by no less than nine Nobel Prizes. The scientific details are documented on the website of the Swedish Nobel Prize Committee http://nobelprize.org/nobel_prizes/medicine/articles/carpenter/table.html as well as in the major textbooks of biology and biochemistry.

There are a number of controlled clinical studies published in peer-reviewed scientific journals that have documented positive benefits of micronutrient supplementation on the health of people affected with AIDS.

- i. Among these are prospective studies ([Abrams et al., Journal of Acquired Immune Deficiency Syndrome \(1993\); 6: 949-958](#); [Tang et al., American Journal of Epidemiology \(1993\); 138: 937-951](#)) involving HIV-positive persons who had not yet developed any symptoms of AIDS. The results of these studies showed that daily

dietary supplementation with various vitamins was associated with a statistically significant delay in AIDS development.

- ii. Other controlled studies (Herzenberg et al., Proceedings of the National Academy of Sciences of the USA (1997); 94: 1967-1972); Muller et al., European Journal of Clinical Investigation (2000); 30:905-914; Kaiser et al., Journal of Journal of Acquired Immune Deficiency Syndrome (2006); 42: 523-528; Namulemia et al., Journal of Orthomolecular Medicine (2007); 22(3): 129-136; Jariwalla et al., Journal of Alternative and Complementary Medicine (2008) 14(2): 139-146) involving AIDS patients consuming single, double or multiple micronutrient combinations have documented improvement of the immune system (immune response), of blood antioxidant status, as part of the body's defense, and of survival. Additionally, studies conducted in HIV-infected pregnant women have shown that a diet supplemented with different vitamins can improve the immune response and significantly extend the time until AIDS symptoms develop.
- iii. While neither ARVs nor micronutrients are a cure for AIDS, micronutrients – as opposed to ARVs – enhance the immune system. Moreover, while not a single controlled long-term clinical study is available documenting that ARV drugs are actually prolonging the life of AIDS patients, such studies (Herzenberg et al., Proceedings of the National Academy of Sciences USA (1997); 94: 1967-1972; Jiamton et al., AIDS (2003); 17: 2461-2469) exist for micronutrients documenting the extended survival time of AIDS patients. Thus the promotion of micronutrients is the only responsible strategy to increase the time needed for the international research community to find a definite cure for AIDS.

2. This statement is false and misleading

Fact is: President Mbeki, the Minister of Health and other members of the Mbeki government have been cautioning the use of toxic ARV since he became President of South Africa in 1999. Our Foundation did not start its educational and charitable work in South Africa until 2004.

3. This statement is false and misleading

Fact is: The manufacturers of ARV drugs are forbidden by law to publicly state that ARVs are

- i. life saving, life prolonging for AIDS patients,
- ii. cures for HIV or AIDS or similar claims.

While these restrictions must be strictly followed by the ARV manufacturing drug companies, they have in recent years been repeatedly bypassed by certain media. Whether these regulatory and legal violations have happened on behalf of the drug companies or independent of them is irrelevant. Anyone publicly describing ARVs as life saving, life prolonging, cures for HIV and AIDS or making similar unsubstantiated claims is exposed to liabilities from patients, Insurers and others suffering potential harm from such deliberate misinformation.

As long as such irresponsible media reports are being produced - and while patients around the world are considering legal steps, including class action

lawsuits to stop this – there is an objective need to continue the public health information campaign of our Foundation in relation to the dangers of ARVs and the benefits of science-based natural health approaches to the AIDS epidemic.

Finally, we hereby inform you that this letter serves as our formal notification to you and your journal about the existence of these scientific facts. Should you ignore them and should civil or criminal proceedings subsequently be brought against you by readers, patients or institutions who are harmed by the provision of misleading information by yourself and/or your publication, we will provide this document as evidence that you acted knowingly and deliberately to deceive your readers.

As you may be aware, we have verified the above information during court proceedings with the Guardian and one of its writers, Mr. Goldacre. The devastating facts about the ARV drug business gathered during these proceedings are documented online at

- [http://www4.dr-rath-foundation.org/THE FOUNDATION/the truth about arvs/about arvs 2.html](http://www4.dr-rath-foundation.org/THE_FOUNDATION/the_truth_about_arvs/about_arvs_2.html)
- [http://www4.dr-rath-foundation.org/THE FOUNDATION/the truth about arvs/about arvs 8.html](http://www4.dr-rath-foundation.org/THE_FOUNDATION/the_truth_about_arvs/about_arvs_8.html)

and related pages on our Website. Whilst the Guardian may have portrayed to its readers that it prevailed during this litigation, the overwhelming and devastating scientific facts from it concerning the fraudulent ARV drug business are now forming the basis for potential class action litigation - against drug companies, media and other ARV promoting entities - by patients and institutions alike.

Our Foundation and our scientific experts will support such litigation with the goal of establishing the scientific facts and ending the fraudulent ARV drug business with the AIDS epidemic.

Dr. Rath Foundation

Submitted by Legal Counsel