

Our ref:ari/90000/1/jip

22 April 2016

Urgent

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By email and by hand: piergiorgio.righetti@polimi.it

Dear Sir

Our client: Science Limited
Your paper: Remote Sensing of Formaldehyde Fumes in Indoor Environments

We act for Science Limited.

Our client has instructed us to write to you in relation to the publication of your paper, *Remote Sensing of Formaldehyde Fumes in Indoor Environments*, on 5 April 2016 in the Royal Society of Chemistry's *Analytical Methods* journal (the '**Paper**'), part of which it has been able to access online. As you will be aware, the Paper has been reported in several British news media and in it you have made various statements to the press in respect of the Paper.

Our client is deeply concerned and troubled by the claims which have been made in your Paper and which have been repeated in the press. For the avoidance of doubt, the claims do not in any way reflect our client's understanding of the situation and our client therefore seeks a clearer understanding of the nature of the research carried out so that it may respond to the claims directly. We should be grateful if you would kindly provide us with a full copy of the Paper (as we can only access it in part) so that our client can review and assess your claims in detail. Please also note our questions set out in the Annex to this letter, to which we would be grateful for your prompt responses.

In the meantime, we would like to make some observations on the claims made and the manner in which they surfaced.

Firstly, our client has received preliminary expert advice on formaldehyde exposure. Your Paper states that the tanks housing our client's art work in the Tate gallery in London were '*surrounded by [formaldehyde] fumes, constantly exuded in the atmosphere (likely via the sealant), reaching levels of 5 ppm, one order of magnitude higher than the 0.5 ppm limit set up by legislation*'. Our client's expert states unequivocally that at

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a level of 5 ppm, visitors and staff members would have experienced instantaneous physical reactions such as streaming eyes and sore throats (not to mention that they would have been able to smell formaldehyde distinctly). Neither our client, nor, as we understand it, the Tate received any complaints or reports of smelling formaldehyde or of any of the abovementioned symptoms which seems curious if the claims in your Paper are well-founded.

Secondly, our client understands that the technology used to take the measurements of formaldehyde is uncertified – the questions in the Annex seek a better understanding of this technology. In any event, our client is perplexed that you and your associates should have chosen to gain access to an exhibition space for the purposes of taking clandestine measurements of chemical substances apparently emanating from artworks using measuring devices which were unaccredited. Kindly explain on what basis you chose to undertake this experiment. Had you received reports of formaldehyde leakage or was it purely speculative?

Thirdly, our client is most alarmed by your decision to report your 'findings' in the Paper (and subsequently to the Press) without any reference to our client. You must be aware that the implication of your Paper is that our client has produced works of art without taking appropriate precautions and/or has failed to maintain works of art in a responsible manner, compliant with health and safety legislation, and, as a result, has put gallery staff, the viewing public and the clients who buy Hirst at risk. This is a very serious implication as not only do the allegations attack its integrity, ethos and the quality of its work, but, very seriously, suggest that our client has endangered public health.

It is very unfortunate, and even reckless, that you did not contact our client either when conducting research and making your findings or prior to publishing the Paper, especially given the serious health and safety risks which the Paper asserts the art works posed and the obvious reputational damage to our client which publication could cause.

The Tate exhibition took place in 2012. Our client cannot comprehend why you chose to wait four years to publish your Paper. If you had concerns that members of the public and/or staff at the Tate were at risk from exposure to potentially hazardous levels of formaldehyde, why did you not raise those concerns with the Tate Gallery and/or our client at the time? Please explain why you did not believe it appropriate to do so. Our client does not believe that there was or is any such alleged threat, although as a responsible organisation it will of course take all reasonable steps to investigate your alleged findings.

Lastly, our client wishes to point out that it takes extensive and appropriate steps at all relevant times to ensure that the works of art it produces meet all relevant health and safety standards and do not pose any health and safety risk. These steps include ensuring that formaldehyde artworks are properly and safely constructed (a safety report is produced upon finishing the work), and regular checking and cleaning of all such artworks through installation in galleries or other public places and in private collections. You failed demonstrably to seek confirmation of any such details from our client, before (what we consider in the circumstances and given the gravitas of the allegations that you have made) your reckless desire to publish.

Please acknowledge safe receipt by return and let us know when we may expect a substantive response. Given the seriousness of this matter, and the likely damage to our client's reputation in the meantime while this matter remains without clarification, given the significant media attention that your releasing of the report and your comments have generated, we expect to hear from you without delay and we request that you make no further public comment on the matter unless it is a retraction of your Paper and an apology to our client.

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

Yours faithfully

A handwritten signature in black ink, appearing to read "Withers LLP", written in a cursive style.

Withers LLP

Annex

1. Despite its publication, your commentary on it and widespread media speculation about it, we understand that the academic paper in question is currently only in 'proof stage' awaiting final editing and publication. Please confirm if this is the case and please provide us with a copy of the paper for our review.
2. Please explain the process of peer review that the paper has gone through and explain any independent analysis of underpinning data that has been carried out.
3. Please explain why you did not seek comment from or did not even alert Damien Hirst or the Tate Gallery as to this matter, prior to the publication of the abstract on the internet.
4. The abstract mentions that a sensor was used in 2012 in the Tate Gallery in London to take readings adjacent to Damien Hirst artworks. What was this sensor?
5. Did you seek and gain permission from the Tate to take measurements within the exhibition? If not, please confirm why you chose not to do so.
6. On which day and at what time did you take the specific readings in question?
7. Please provide us with access to the specific data files, observations and notes taken at the time.
8. When you detected readings of over 5 ppm using your device, please confirm why you did not immediately alert the gallery and/or Damien Hirst to an alleged potential risk to the public and gallery staff when you knew that 5 ppm was 10 times the allowable background level defined by law.
9. Please confirm why you delayed more than three years to bring this issue to the attention of the scientific community and/or to the Tate Gallery and or Damien Hirst.
10. We understand that the sensor is a novel item of technology contained within a bracelet with a blue-tooth connection to a smartphone: please explain how your device specifically measures parts per million of airborne formaldehyde.
11. Please confirm what the operating parameters of your device are and any limitations it has in certain applications.
12. Please confirm for what applications your device is designed. It has been reported that you have commented that the device "was intended to test the uses of a new sensor for measuring formaldehyde fumes and we do not believe that our findings suggest any risk to visitors at Tate Modern". If that is the case, how do you explain a measurement of 5 ppm?
13. Please confirm specifically how the measurements were taken from the tank.
14. Please confirm how close the bracelet was held to the tank / tank seal and for how long.
15. Please explain how your device produced a reading of 5 ppm when the maximum reading that our client has measured during installation in a controlled environment of the artwork is 2ppm.

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16. Please confirm whether the data taken during your visit to the Tate Gallery has been independently verified and proven by an independent third party to be accurate.
17. If you assert positively to the above question, please provide the details and the parties concerned.
18. Please confirm to what technical standards your measurement device complies, including the detection, transmission and processing elements of the system.
19. Please identify what software standards have been used to create the software which is understood to be an integral part of the system.
20. Please confirm whether the device has been independently tested and approved by an accredited testing organisation.
21. If you answer positively to the above question, please confirm who provides the independent testing and please provide copies of any test reports.
22. If you answer negatively to the above question, please confirm how you have evaluated the accuracy and reliability of readings from your device.
23. Please confirm how the system is calibrated.
24. Please provide a certificate of calibration for the device demonstrating it was fully calibrated at the time the readings were taken.

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