

October 17, 2019

To,

**Dr. Cyriac Abby Philips**  
Ernakulam Medical Centre (P) Ltd.  
10<sup>th</sup> Floor, E.M.C.  
N. H. Bypass, Palarivattom  
Kochi—682028, Kerala  
India

**Re: False Claims About Herbalife Nutrition Products**

Dear Dr. Philips,

We, DSK Legal (“we”, “us” or “our”) are serving this legal notice to you under instructions from and on behalf of Herbalife International India Private Limited (hereinafter referred to as “Our Client”) in connection with the article you authored, “Slimming to the Death” (the “Article”) which was published in the August 2018 edition of the *Journal of Clinical and Experimental Hepatology*.

Our Client *vide* a letter dated April 29, 2019, requested detailed information about the patient you allegedly treated, the products you sampled, and the testing methodologies you used in connection with the Article. Our Client requested the information for the purpose of verifying the Article’s statements, including the express and implied conclusion that products sold by Our Client directly caused the death of your patient, in its pursuit of scientific truth and significant concerns about the reliability and objectivity of your work. For example, Our Client identified that the Article failed to accurately describe the subject products and their labeled ingredients. Further, Our Client noted that the Article also mischaracterized the 2015 Zambrone et al. article in the *Brazilian Journal of Pharmaceutical Sciences* and the Teschke et al. (2013) reference, as both sources support a different and scientifically correct conclusion that, in nearly all cases, as identified by Our Client, there was *not* a clear association between its products and the alleged liver injuries.

Our Client observed an equally troubling fact that, as a purported scientific work, the Article goes beyond the scientific/medical realm and treads into the legal world, which has absolutely no relevance to the products sold by Our Client. Specifically, Our Client also observed that the Article implies that Our Client is an irreputable company because it was the subject of an investigation by a U.S. government agency, while omitting that the investigation had nothing to do with product content or safety. Further, you also called the entire dietary supplement industry a sham and a public health risk—including, of course, Our Client, which has been found to be unsubstantiated by Our Client. Further, Our Client believes that even the Article’s title is sensationally conclusory and fails to reflect any scientific curiosity whatsoever.

It is pertinent to mention that the Article’s defamatory and slanderous statements are actionable under Indian civil law, which offers a variety of remedies against published statements that tend to incite an adverse opinion or feeling about the injured party. (See *e.g.*, *Prof. Imtiaz Ahmad v. Durdana Zamir*, reported from the Delhi High Court in 2009.) These defamatory lies may also merit criminal prosecution under Sections 500 and 504 of the Indian Penal Code. Such legal and criminal exposures are not limited to just you and the journal under Indian law, but Our Client also holds you accountable to prove your allegations.

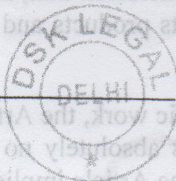
Accordingly, in Our Client's continuing effort to avoid any legal actions and to pursue the scientific truth relating to Our Client's products, please send the details as set out below to us **no later than close of business, October 23, 2019**:

- (a) All the lot numbers of Our Client's product allegedly tested by the authors or their agents, along with the dates and locations of purchase;
- (b) An account of the chain of custody of those products, detailing when their seals were opened, and where;
- (c) A list of all laboratory tests performed by their authors and agents, for each detailing:
  - (i) The test method used;
  - (ii) The reference materials used, if any, and the date and source of their acquisition;
  - (iii) The test results.
- (d) Your CV and those of your co-authors and an account of the experience of the test facilities in testing for food contaminants.

We look forward to your prompt reply to this legal notice. This legal notice is not a full and complete statement of the facts of, or Our Client's rights or defenses with regard to, this matter, nor do such statements constitute a waiver of any of Our Client's legal or equitable rights or defenses, all of which are expressly reserved. A copy of this legal notice has been retained in our office for future reference and record. You are requested to acknowledge the receipt of this legal notice.

For and on behalf of **DSK Legal**

*Rishi Anand*



**Rishi Anand**  
**Partner**