

M/S S.SREEKUMAR ASSOCIATES
ADVOCATES

DOOR NO.67/1433
CHITTOOR ROAD
NEAR NORTH POLICE STATION
COCHIN - 682 018
PH : 0484 - 2394065

REGISTERED WITH A/D

Date :19-11-2019

To

Mr.Rishi Anand,
Partner, DSK Legal,
Advocates & Solicitor,
ESC House, 1st & 2nd Floor,
155 Okhla Industrial Area,
Phase 3, New Delhi - 110 020.

Ref: Your notice dated 17-10-2019 and 12-11-2019
issued at the instance of M/s.Herbalife International India
Pvt. Ltd.

The above notices are placed with me, by my client, Dr.Cyriac Abby Philips, EMC
Pvt.Ltd., Cochin - 682 028 to address you as follows :-

1. My client is a well-known consultant and holder of D.M. in Hepatology. He has been conducting research in the field of Hepatology to diagnose root causes of diseases affecting liver. He is also a well renowned Doctor and is revered by public for his devotion to the profession.
2. While so, a 24 years old woman with hypo-thyroidism without any other chronic illness was referred to my client for acute liver failure. When investigated about her lifestyle, my client was informed that she was in the habit of taking three Herbalife slimming products - (1) formula-1 shake mix, 2 scoops daily with skim milk; (2) personalized protein powder, 2 table spoons into the shake mix twice daily and (3) Afresh energy drink, 10 gm. twice daily. According to the patient's husband, the above said products were purchased from local nutrition club. My client was told that the patient was not on any other alternative drugs before or during the period.
3. As per history, two months after consuming herbalife slimming products, she developed loss of appetite followed by jaundice and transient pruritus. Blood

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investigations in a previous Hospital revealed bilirubin level was 12.4 mg., direct bilirubin 9.9 aspartate amino transferase 582, alanine amino transferase 648, Alkaline phosphatase 248, gamma glutamyl transferase 398 and Albumin 3.

4. Even though she was put on medications in the previous hospital, 12 days later the level of bilirubin shot up to 28.6 mg./dl. Since the condition of the patient worsened, she was referred to my client. She was having grade 3 Hepatic Encephalopathy at the time of admission in the hospital, where my client works. Blood investigations for acute and chronic viral hepatitis and other acute liver diseases were negative. The result was alarming. The serum gamma globulin was 2682 mg./dl. Drug induced liver injury was considered with RUCAM method score 6. The liver biopsy showed extensive periportal and perivenular bridging necrosis inflammatory infiltration, interface hepatitis, cholangitis, cholestasis, severe ballooning and steatosis. Even though the patient was urgently referred to a transplant centre, she breathed her last soon after.
5. The cause of liver injury was suspected to be due to the intake of Herbalife Slimming Products. Since herbalife products used by the patient could not be retrieved, the products were collected from various sellers from where the patient had initially purchased and similar products of herbalife were collected from the market. The products so collected were subjected to heavy metal analysis and toxicology and bacterial contamination analysis in renowned laboratories. The result showed high level of heavy metals in all the products, toxic compounds including traces of psychotropic substances in 75% of samples. On microbial analysis bacterial DNA was isolated from 63% of the samples. RNA analysis revealed multiple bacterial communities including highly pathogenic species.

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6. Since the results of the analysis of herbalife products was found to be organotoxic, the research paper with all materials were forwarded to the journal of Clinical and Experimental Hepatology, an international publication having much name and fame in medical field throughout the world.
7. The journal conducted an independent study from the materials supplied with the help of experts. The study and published literature revealed that herbalife products results in hepato-cellular, cholestatic and mixed type of liver injury.
8. The journal published the article of my client with liver biopsy results as well as the chemical analysis toxicology.
9. The scientist of Herbalife issued a letter to the Editor criticising the publication of the article "Slimming to death" which was published as Zambrone et al in the Journal of Clinical and Experimental Hepatology. The publisher of the journal in turn published an article as Philips et al in answer to the criticism. The Journal in its reply has justified authenticity of the findings endorsed by my client.
10. There are various articles in published literature, such as that Journal of Hepatology which describes cases of severe hepatotoxicity associated with dietary supplements, viz ; implicating Herbalife products. The Spanish News and Information in English dated 21-04-2008 reported that Ministry of Health had investigated cases of hepatitis poisoning linked to use of products of Herbalife. In the Supreme Court of State of California, Herbalife was sued for fraud and negligence. There are various publications from various countries showing alarming results linked to hepatotoxicity, on consumption of Herabalife products.
11. The details of study conducted by my client are readily available in the publication in Journal Of Clinical And Experimental Hepatology.

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12. By the legal notice dated 17-10-2019, your client accuses the publication as it treads into legal realm. The article does not imply your client as an irreputable company but revealed the contents of their products and its effect on the health of consumers. My client stoutly denies the allegation that there was no clear association between the Herbalife products and liver injuries.
13. My client is not liable to disclose the methodology adopted for testing Herbalife products. The test analysis were sent to the Journal Of Clinical And Experimental Hepatology, which was peer reviewed. The publication was made not to create any sensation but only the scientific analysis which remains unchallenged for the awareness among medical fraternity.
14. The article so published do not contain any defamatory or slanderous statements but only the results of scientific analysis of products of Herabalife linked to liver injury sustained by my client's patient. Since no defamatory statement was published, my client is well within limit to defend your client's allegations and insinuations.
15. My client has not made any defamatory statement but only scientifically proved facts.
16. You may advice your client to get the products tested in accredited laboratories and satisfy themselves about the alarming contents.
17. My client is ready to defend any frivolous litigation if any initiated by your client and to substantiate his findings.
18. In the letter dated 12-11-2019, we have been given the ultimatum to furnish the details. My clients says that he will furnish all details in front of Court of law at appropriate time and bring out the truth of his research to the entire world so that there will be a legal sanction for the result of research conducted by my client.

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19. Advice your client not to embark upon any false and frivolous litigation and if any will be resisted by my client at the risk and cost of your client and even sue for damages for malicious prosecution.

P.MARTIN JOSE
Advocate