

**IN THE HIGH COURT OF SOUTH AFRICA  
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)**

**Case no: 2807/05**

In the matter between:

**TREATMENT ACTION CAMPAIGN**

**Applicant**

and

**MATTHIAS RATH**

**First Respondent**

**DR RATH HEALTH FOUNDATION**

**Second Respondent**

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**AFFIDAVIT**

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I, the undersigned

**Dr. Matthias Rath**

hereby affirm and say:

1. I am a medical doctor, researcher and head of the Dr. Rath Health Foundation Africa, ('the Foundation'), with its principal place of business at 15th floor, 34 Bree Street, Cape Town. The facts stated in this affidavit are true and correct within my personal knowledge and belief.
2. This affidavit has become necessary, because after filing their case, the applicants have embarked in a campaign to publicly discredit our foundation and slander me personally. This orchestrated campaign continues to the present day.

3. I am convinced that the purpose of this public campaign is to distract from the central issues of this litigation, the most important of which is the sponsoring of the TAC by pharmaceutical interests.

### **THE CONNECTION OF THE TAC SPONSOR 'ROCKEFELLER FOUNDATION' TO THE DRUG INDUSTRY**

4. The facts substantiating our statements about the drug industry–TAC connection have been comprehensively documented in the affidavits of my colleagues, Advocate Anthony Brink and Ralph Langner.
5. In their reply, the applicants dispute that the donation made by the Rockefeller Foundation to the TAC was made in connection with pharmaceutical interests. By doing so the TAC essentially questioned the connection between the Rockefeller Foundation and the Rockefeller investment group with well-established strategic investments in the drug and oil industry.
6. The fact that the TAC received Rockefeller Foundation funding is not disputed. Thus, the key fact in question here is the connection of the Rockefeller Foundation to the Rockefeller investment industry.
7. However, this connection is well documented on public record, among others by top executives of the Rockefeller Foundation. The most obvious and indisputable proof was documented by Raymond B. Fosdick, who served as President of the Rockefeller Foundation from 1936 to 1948, in his book “The Story of the Rockefeller Foundation”, published in 1952 by Harper and reprinted in 1989 by Transaction Publishers, New Jersey (Library of Congress catalogue number 88 –21152).

On page 21 of this book, the Rockefeller Foundation President R. Fosdick states that the \$241 million of the initial donations of Rockefeller and his wife to the Rockefeller Foundation were *not made in cash, but in shares* from the Rockefeller investments. Fosdick directly quotes from the letter of John D. Rockefeller *always* accompanying the multi-million dollar donations to the Board of the Rockefeller Foundation:

*“It is more convenient for me [John D. Rockefeller] to provide funds for the foundation by a gift of these specific securities than by a gift of cash, and I believe the securities have intrinsic and*

*permanent value, which would justify you in retaining them as investments.* [Emphasis added]. ([ANNEXURE 1](#))

8. The book “The Story of the Rockefeller Foundation” documenting these facts is publicly available for anyone to buy, among others through the online bookstore Amazon.com ([ANNEXURE 2](#)).
9. Evidently the TAC failed to familiarize itself with the nature and the background of its funders, a measure of due diligence for any credible organization under public scrutiny. The fact that the TAC did not do this due diligence cannot be held against us. We simply revealed these incontestable published facts to the public.

### **THE MISSION OF DR. RATH HEALTH FOUNDATION IN SOUTH AFRICA**

10. To obfuscate the facts we presented in this case, the TAC and its supporting organizations embarked on a strategy to discredit the work of our Foundation and me personally – notwithstanding the fact that the matter was under judicial consideration.
11. Rather than responding to these undignified comments by the TAC and its supporting organizations, I would like to bring to the attention of the High Court the Public Health Notice published on May 6, 2005, in the *New York Times* entitled “Stop AIDS Genocide by the Drug Cartel”. This public health notice summarizes the encouraging results of a pilot nutrient programme with AIDS patients we conducted in Khayelitsha, Cape Town. This public health information also documents our Foundation’s position in support of the South African government’s emphasis on natural and nutritional health in combating the AIDS epidemic. Furthermore, this public health information explains why the South African government has become the target of multinational pharmaceutical interests ([ANNEXURE 3](#)).
12. In this document published in the *New York Times*, I also summarized the mission of our work in South Africa and the developing world as follows:

*“In contrast to the pharmaceutical industry, we offer our research findings and scientific expertise to the governments of the world free of charge for the benefit of their people. We encourage governments and research institutions around the world to con-*

*tact us immediately via our web site in order to save millions of lives."*

13. While we received encouraging reactions to this public health information published in the *New York Times*, not surprisingly, we were criticized by those interest groups who are in close contact with the pharmaceutical interests.
14. One of those institutions was Harvard University, that stated in an article that we have misinterpreted the findings of the study they had conducted in Tanzania, where AIDS patients experienced profound health improvements with vitamins.
15. The study had received international attention and was reported among others by MSNBC on June 30, 2004. This article opened up with the sentence: "A study of HIV-infected African women found that daily doses of multi-vitamins appear to slow down the disease and cut the risk of developing AIDS in half." **(ANNEXURE 4)**.
16. The question arises why Harvard University did never attack this MSNBC statement and similar media reports highlighting vitamins as a 'low-cost intervention in Africa' and why they are attacking us now. The reason is that our public health information campaign and the successful implementation of science-based natural health solutions threatens a multi-billion dollar market of pharmaceutical drugs.
17. Not surprisingly there are close connections between Harvard University and the Rockefeller Foundation. This connection is also well documented in the above referenced book by Raymond Fosdick. On page 21 the former President of the Rockefeller Foundation reports:

*"The first trustees of the foundation, named in the act of incorporation, in addition to Mr. Rockefeller, were John D. Rockefeller; Mr. Gates; Harry Pratt Judson, president of the University of Chicago; Dr. Simon Flexner; Starr J. Murph; Jerome D. Greene; Dr. Wickliffe Rose and Charles O. Heydt. Within a few months, **President Eliot of Harvard** was added to the Board and **A. Barton Hepburn, president of the***

***Chase National Bank [the investment bank of the Rockefeller Group] (Emphasis added).”*** ([ANNEXURE 1](#))

18. It is thus obvious that the Rockefeller Foundation from its very beginning was tightly connected with the Rockefeller financial interests and accordingly has funded organizations worldwide that promote the merchandise of the Rockefeller investments, in particular pharmaceutical drugs. ([ANNEXURE 5](#))

### **THE APPLICANT’S STRATEGY OF DISTRACTION**

19. The TAC has embarked on a strategy spreading false and defamatory information about our Foundation and my person, intended to distract from the core issues of this case. A detailed response to these false accusations is below my dignity. However, some allegations need to be corrected.

20. I was accused of being “wanted in Germany on criminal charges” by Diane Kohler-Barnard, the spokesperson of the Democratic Alliance, (DA) another organization in South Africa sponsored by the pharmaceutical industry. This statement was a lie.

Our attorneys demanded a retraction of this false statement and the DA promptly gave it. But since the retraction statement contained further false allegations, we have decided to bring a legal action against the DA.

21. I was accused of being a ‘multi-millionaire’ owning an empire of vitamin companies in Europe. This statement is a lie.

Fact is, the shares of the vitamin company in Europe are owned by the Dr. Rath Health Foundation, a non-profit organization dedicated to research and education in natural health worldwide. Anyone interested in the truth could have found this fact documented on public record. A section 21 company incorporated not-for-gain is currently being registered in South Africa for the conduct of all our activities in this country.

22. I was accused of using the Dr. Rath Health Foundation in South Africa as a ‘front’ to sell ineffective and expensive vitamins to the poor people of South Africa. This statement is a lie.

We have not sold a single bottle of vitamins in South Africa, and we do not intend to do so. The vitamin programs we developed are being donated to the people of South Africa and have been offered to the South African government free of charge.

23. I was accused of being a 'quack'. In truth, I am a medical doctor and scientist whose research findings have been published in leading, peer-reviewed medical and scientific journals. I am member of the American Heart Association, the New York Academy of Sciences and other professional and scientific organizations. A list of my publications can be found on the web site of our foundation [www.dr-rath-foundation.org](http://www.dr-rath-foundation.org) and are attached for easy reference ([ANNEXURE 6](#)).

24. I am author of several books describing the recent breakthroughs in natural health for the general public. From my book "Why Animals Don't Get Heart Attacks, but People Do" more than one million copies have been printed in more than ten languages. This book also provides a short documentation of my commitment as an advocate for natural health for more than a decade. For your easy reference a copy of this book is also attached ([ANNEXURE 7](#)).

## **THE MOTIVES OF THE PUBLIC 'SUPPORTERS' OF THE TAC: THEIR LINKS TO THE PHARMACEUTICAL INDUSTRY**

25. In order to distract from the central issues of this case, the TAC is forming coalitions with other organizations that also depend on the pharmaceutical investment business. By doing so, they are trying to create a climate of public prejudice against our Foundation's work and me personally. The intensive and continuous nature of this orchestrated campaign suggests that the applicants are trying to influence the outcome of this case through a barrage of negative publicity.

26. On 18 April 2005, having launched this application in this Court, the TAC held a press conference together with the South African Medical Association (SAMA) and certain other organizations. The motive for SAMA's support for the TAC lies in the simple fact that they are both closely associated with the pharmaceutical industry. While most general practitioners and family doctors are open to natural health approaches, the leaderships of medical associa-

tions are heavily influenced by the pharmaceutical industry. For example, attraction of funding by the pharmaceutical industry is a common criterion for the appointment of professors and department heads at medical schools all over the world.

27. The Advertising Standards Authority (ASA), another organization supporting the TAC's position, has the Pharmaceutical Manufacturers Association of South Africa as a major funding member.

In summary, this case is about much more than the claims debated in the papers. It impacts upon the right to expose the interest groups behind the pharmaceutical 'investment business with disease'. Exposing these interests is a precondition to be able to overcome them and to establish a new health care system that is based on effective, safe and affordable non-patentable health approaches.

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Dr. Matthias Rath

SIGNED BEFORE ME IN THE PRESCRIBED MANNER AT CAPE TOWN ON THIS 10<sup>TH</sup> DAY OF MAY 2005, THE DEPONENT HAVING STATED THAT HE HAS CONSCIENTIOUS OBJECTIONS TO TAKING THE OATH AND THAT HE REGARDS THE AFFIRMATION AS BINDING ON HIS CONSCIENCE.

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COMMISSIONER OF OATH