

COMBINED SUMMONS

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

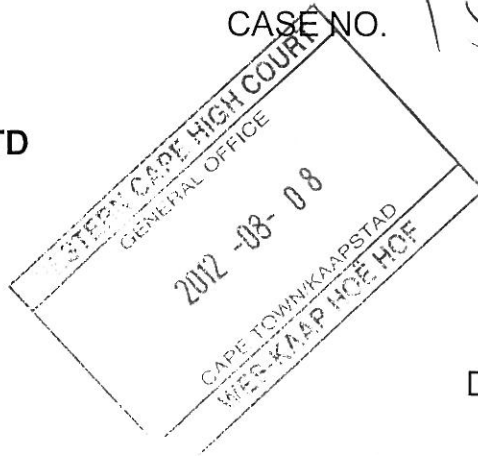
In the matter between:

SOLAL TECHNOLOGIES (PTY) LTD

and

KEVIN CHARLESTON

CASE NO. 15450/12



Plaintiff

Defendant

To the Sheriff or his Deputy:

INFORM :

KEVIN CHARLESTON, an adult male, employed as an E-commerce project manager at SACD Freight (Pty) Limited, Port Industrial Site off Nereide Street, Paarden Eiland, Cape Town, 7045.

(hereinafter called "**the Defendant**")

THAT:

SOLAL TECHNOLOGIES (PTY) LTD, a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, with its principal place of business being at 18 Ballyclare Drive, Bryanston, Johannesburg.

(hereinafter called "**the Plaintiff**")

hereby institutes action against the Defendant in which action the Plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

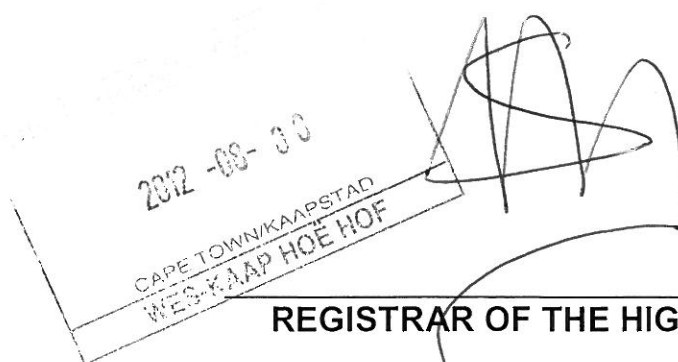
INFORM the Defendant further that if the Defendant disputes the claim and wishes to defend the action, the Defendant shall –

- (i) within ten (10) days of service upon the Defendant of this summons file with the Registrar of this Court, Room 1, High Court, Keerom Street, CAPE TOWN, notice of the Defendant's intention to defend and serve a copy thereof on the Attorneys of the Plaintiff which notice shall give an address (not being a post office or poste restante) referred to in rule 19(3) for the service upon the Defendant of all notices and documents in the action.
- (ii) thereafter and within twenty (20) days after filing and serving notice of intention to defend as aforesaid, file with the Registrar and serve upon the Plaintiff a Plea, Exception, Notice to strike out, with or without a Counterclaim.

INFORM the Defendant further that if the Defendant fails to file and serve the notice as aforesaid, Judgment as claimed may be given against the Defendant without further notice to the Defendant, or if having filed and served such notice, the Defendant fails to plead, except, make application to strike out or counterclaim, Judgment may be given against the Defendant.

AND immediately thereafter serve on the Defendant a copy of this summons and return the same to the Registrar with whatsoever you have done thereupon.

DATED at **CAPE TOWN** on this 8 day of **AUGUST 2012**.



REGISTRAR OF THE HIGH COURT


FLUXMANS INC

Plaintiff's Attorneys

11 Biermann Avenue

Rosebank, Johannesburg

Tel (011) 328-1700

Fax (011) 880-2261

Ref : Mr Saul Shoot/csr/S416/115536

c/o **WEBBER WENTZEL**

15th Floor, Convention Tower

Heerengracht, Foreshore

CAPE TOWN

Tel: (021) 431-7309

Ref : Mr Rodney Africa

PARTICULARS OF CLAIM

1. The Plaintiff is **SOLAL TECHNOLOGIES (PTY) LTD**, a company duly incorporated and registered in accordance with the company laws of the Republic of South Africa, with its principal place of business being at 18 Ballyclare Drive, Bryanston, Johannesburg.
2. The Defendant is **KEVIN CHARLESTON**, an adult male employed as an E-commerce project manager at SACD Freight (Pty) Limited, Port Industrial Site off Nereide Street, Paarden Eiland, Cape Town, 7045.
3. The Plaintiff carries on the business of the manufacturing, marketing and distribution of complementary medicines.
4. The Defendant is the author of an article about the Plaintiff which was initially published throughout South Africa and the world on or about 22 May 2012 on www.CAMcheck.co.za ("the CAMcheck website").
5. A copy of the article is attached hereto marked "**A**".
6. As appears from the article, annexure "**A**", it was cross-referenced to another website namely www.Quackdown.co.za ("the Quackdown website").
7. A copy of the article authored by the Defendant which was initially published on the Quackdown website throughout South Africa and the world on or about 22 May 2012 is attached hereto marked "**B**".

8. The article published on the CAMcheck website (marked “A” hereto) is the same article published on the Quackdown website (marked “B” hereto), save that the reproduction of an historic advertisement for cigarettes which forms part of and which precedes the article published on the CAMcheck website (an enlarged copy of which is attached hereto marked “A1”) differs from the reproduction of an historic cigarette advertisement which forms part of and which precedes the article published on the Quackdown website (an enlarged copy of which is attached hereto marked “B1”).
9. In the article published on the CAMcheck and Quackdown websites aforesaid, the Defendant says of the Plaintiff that it is “... *a company that actively promotes pseudoscience* ...” (“The statement”).
10. The statement is wrongful and defamatory *per se* of the Plaintiff, and made with the intention of defaming the Plaintiff and injuring its reputation.
11. The statement is preceded on the Quackdown website by a reproduction of an historic advertisement for ‘ASTHMA CIGARETTES’ (“A2” hereto), which states:

“For your Health
ASTHMA CIGARETTES
SINCE 1882
For the temporary relief of
paroxysms of asthma

EFFECTIVELY TREATS:
ASTHMA, HAY FEVER, FOUL BREATH”

12. The statement is preceded on the CAMcheck website by a reproduction of an historic advertisement for ‘OLD GOLD CIGARETTES’ (“A1” hereto), which *inter alia*:

- 12.1 states:

*“Ripleys ... BELIEVE IT or NOT – PROVES IT
THROAT DOCTORS pick OLD GOLD
in PUBLIC TEST
of 4 Leading Cigarettes”*

- 12.2 depicts Doctors, Nurses and other persons in a University auditorium or similar venue at which “public test” results of the nature referred to in the advertisement are discussed and/or published.

13. The article as a whole, read with the reproductions set out in paragraphs 11 and 12 above, and considered in the context of the following:

- 13.1 The description on the CAMcheck website on which it was published as: *“A South African Consumers Guide to scams, pseudo-science, and voodoo-science”* ;

- 13.1.1 The definition and meaning of “pseudoscience” is: “false”, “pretending”, or “unauthentic”.

13.2 The description on the Quackdown website on which it was published as a website which “*Exposes people and companies who sell untested health remedies*” ;

13.2.1 The definition and meaning of a “Quack” is a person who dishonestly claims to have special knowledge in some field typically in medicine or a charlatan.

13.3 The historic advertisements for cigarettes “**A1**” and “**A2**” hereto, against which the article is juxtaposed;

13.4 The notorious fact known to the public at large and the readers of both the CAMcheck website and the Quackdown website that the cigarette industry dishonestly concealed from the public the fact that cigarettes were extremely harmful and could cause death and extreme illnesses including cancer.

carries the following implied meanings:

- (i) the Plaintiff promotes and/or practices and/or employs scams and/or pseudo-science and/or voodoo science ;
- (ii) the Plaintiff is a Quack company which dishonestly claims to have specialised knowledge in medicine ;
- (iii) the Plaintiff is comparable to tobacco companies which promoted extremely harmful products;

- (iv) the Plaintiff is comparable to tobacco companies which concealed the harmful effects of their products;
- (v) the Plaintiff is comparable to tobacco companies which made false and/or dishonest and/or pseudo-scientific and/or misleading and/or unscrupulous claims about the health benefits of their products ;
- (vi) the Plaintiff promotes and/or engages in false and/or dishonest and/or pseudo-scientific and/or misleading and/or unscrupulous and/or bullying business practices ;
- (vii) the Plaintiff is a bully and/or engages in bullying tactics ;
- (viii) the Plaintiff's products are comparable to tobacco products ;
- (ix) the Plaintiff's products are harmful to the public ;
- (x) the Plaintiff's advertisements are scams and comparable to advertisements made by tobacco companies such as those in "**A1**" and "**A2**" hereto ;
- (xi) the Plaintiff promotes and/or practices and/or engages in false and/or misleading and/or dishonest and/or disreputable business practices.

and is wrongful and defamatory of the Plaintiff, made with the intention of defaming the Plaintiff and injuring its reputation.

14. In the alternative to paragraph 13 above, the article read with the reproductions set out in paragraphs 11 and 12 above, is defamatory of the Plaintiff in that it imputes to the Plaintiff and was intended to impute to the Plaintiff and was understood by persons to whom the article was distributed to impute to the Plaintiff the meaning set out in paragraph 13(1) – (xi) above.

15. As a result of the Defendant's wrongful and intentional defamation of the Plaintiff, which defamation is ongoing as the article is currently published on the CAMcheck website and the Quackdown website, the Plaintiff has to date been damaged (and continues to be damaged) in its good name and reputation, and has suffered damages in the amount of R350 000,00.

16. In the premises :

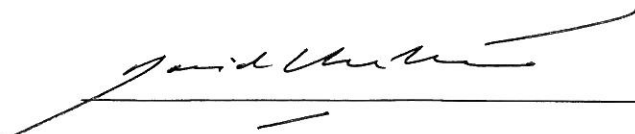
16.1 the Defendant is indebted to the Plaintiff in the amount of R350 000,00 ;

16.2 the Plaintiff is entitled to an Order directing the Defendant to take immediate steps to procure that the defamatory article ceases to be published on the CAMcheck website and the Quackdown website, which steps include writing to the publishers of both websites and demanding that the article be removed from both websites.

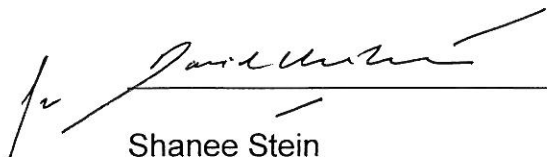
WHEREFORE the Plaintiff claims against the Defendant:

- (a) payment to the Plaintiff of the amount of R350 000,00;
- (b) interest on the amount of R350 000,00 at the rate of 15,5% per annum *a tempore morae*;
- (c) directing the Defendant to take immediate steps to procure that the article ceases to be published on the CAMcheck website and the Quackdown website, which steps include writing to the publishers of both websites and demanding that the article be removed from both websites;
- (d) costs of suit on the attorney/client scale;
- (e) further and/or alternative relief.

DATED at SANDTON on this the 6TH DAY OF **AUGUST 2012**.

A handwritten signature in black ink, appearing to read 'David Unterhalter', is written over a horizontal line.

David Unterhalter SC


Shanee Stein

Plaintiff's counsel


FLUXMANS INC.

Plaintiff's Attorneys

11 Biermann Avenue

Rosebank

JOHANNESBURG

Tel: (011) 328-1700

Fax: (011) 880-2261

Ref: SS/csr/S403

TO: THE REGISTRAR OF THE HIGH COURT

A

CAMcheck

A South African consumers' guide to scams, pseudoscience and voodoo science, OR, a critical thinker's guide to the ins and outs of Complementary and Alternative Medicine

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Health Intelligence Magazine: Is it marketing or education?

by Harris

Posted 22 May 2012 ~ Cross-posted to [Quackdown](#)

By Kevin Charleston



There's a deep irony in the latest edition of *Health Intelligence* (Edition 15 May/June 2012). In an article by staff writer Clio Stevens (Online Content Manager & Writer) titled *Behind the scenes of pharmaceutical marketing: the details of veiled persuasion*, she writes "We've published accounts of ... disguising marketing

programmes as 'professional education'".

The irony is that the magazine *Health Intelligence* is itself a disguised marketing programme for Solal Technologies, a company that actively promotes pseudoscience and aggressively attempts to shut out valid criticism of its advertising.

This glossy magazine, available on the shelves at major supermarkets and pharmacies at a cover price of R29.95 is little more than a marketing play by Solal Technologies, but nowhere in the magazine is the Solal connection mentioned.

Solal Technologies is one of several companies in the *CAVI Brands* group. Their "business" entry for Solal shows 4 separate companies : Solal Technologies, The Compounding Pharmacy of South Africa, Integrative Medical Centre and Health Intelligence.

According to CIPRO the magazine (HT Magazine cc 2008/014109/23 t/a Health Intelligence Magazine) is a close corporation with Allana Moskovitz as the only member (checked May 2012). Allana Moskovitz is the daughter of Jacqueline Moskovitz, a director of Solal. CIPRO records also show Allana Moskovitz as having resigned as a director of Solal.

But ownership connections don't really mean much, and CIPRO may well be out of date. It's the active involvement that is at issue. Eight of the 13 persons on the editorial board of the magazine are active Solal directors or employees. Colin Levin, a director of Solal, is listed as Publishing Editor. Brent Murphy, another director of Solal, is Editorial Director. The aforementioned Jacqueline Moskovitz is Editor-in-Chief and Creative Director. Melani Botes, a pharmacist at Solal, is Executive Editor. Tamzyn Campbell is dietician at both Solal and the magazine. Martin Wessels is a pharmacist at both Solal and the Magazine. Dr Tanya Selli is a homeopath at both the magazine and at the Integrative Medical Centre. Vanessa Krugel is a nutritionist and lists herself on Linked-In as "Head Research, Development & Training, Solal Functional Foods & Dermaceuticals at Solal Technologies". Allan Moskvitz's Linked-in profile lists herself as "Marketing & Brand Manager at A leading Anti-Aging/Preventive Medicine Company" (i.e. Solal). Howard Snoyman (Medico-legal advisor) is Executive Legal Counsel – Solal Technologies. Two members of the "medical advisory board" on the magazine are directors of Solal: Craige Golding and David Arthur.

So, a magazine about health is owned and dominated by a "neutraceutical company", and fails to disclose that fact to consumers. What's the big deal?

These Solal directors and employees are actively involved in writing the magazine. Both Colin Levin and Brent Murphy write editorials. Of the 39 articles in the latest magazine with a byline, 11 are written by Solal staff. None are by guest authors. All of the rest are by magazine staffers.

Of the 34 advertisements in the magazine, 8 are for Solal. Few are for competing products.

The editorials in the latest issue are full of criticism of health and food-labelling regulations. These regulations are to the benefit of the consumer, but will have a direct impact on the selling and marketing of some Solal products.

The articles themselves often contain factual inaccuracies or partial truths. For example, a critique of a Health Intelligence article by Professor Roy Jobson, a medical doctor and Associate Professor of Pharmacology at Rhodes University, provides some insight into the kind of inaccuracies contained in an article about anti-depressants.

What chance that such a magazine, which employs a homeopath and is owned by a company that sells homeopathic remedies, would publish an article about studies which show that homeopathic remedies are ineffective? There can be little objectivity, and the articles and editorials make this glaringly obvious.

This magazine is a mouthpiece and advertising vehicle for a company that has been liberal with the truth and aggressive in the suppression of critics.

If Solal were completely honest and objective they should make it clear to consumers that this magazine is owned and run by them. They should also appoint an independent editorial board. That would send a clear message about intelligence and truth in health. Until they do, the only "intelligent" thing is to avoid this magazine completely, and avoid purchasing anything advertised in it. Potential advertisers should understand what they are getting into.

Note: I don't believe Solal are alone in this type of "veiled persuasion". There are probably other magazines or advertising vehicles of a similar nature which deserve similar exposure. If you know of any, let me know in the comments below.

Editor's Note.

Kevin Charleston "gently" shows that Health Intelligence Magazine is little more than a marketing device for Solal. He has in my opinion not been harsh enough in his expose.


Staff writer Clio Stevens wrote "[W]e've published accounts of . . . (pharmaceutical marketing) . . . disguising marketing programmes as 'professional education'". Would you consider this to be despicable? Disgusting? Immoral? I do!

So how does HI-Mag measure up? HI-Mag is flashy, smart, and certainly gives the overt impression of being an unbiased, objective and a credible magazine. Articles are informative, well-written, and give you information!

In particular, many articles offer "free advice", and a "natural protocol". And many of them raise doubts about mainstream medicine – sometimes valid, sometimes to offer readers alternatives, but always to part the readers from their money. This is no more than a seduction into a proposed alternative treatment regime. Readers are unlikely to recognise that the 'natural protocol' is in fact made up of Solal products. So in fact, this IS an advert for Solal products, but very surreptitiously placed. Unlike pharmaceutical marketing it's not trying to persuade doctors to prescribe their products – but for readers to buy them.

For an example of an article clearly designed to lead readers away from mainstream medicine into unproven alternative options, read Prof Roy Jobson's deconstruction of "Sad facts about happy pills" at: <http://www.camcheck.co.za/sad-facts-about-happy-pills-not-so-many-facts/>. This points out that the scientific evidence used by the writer in stating the facts does not support the claims of the article, but ironically ends with a proposed 'Natural Antidepressant Protocol' which itself has never even been tested.

Ms Stevens states that it is the pharmaceutical industry which is "ruthlessly driven by profit." Perhaps a look in the mirror wouldn't go amiss?

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Ripley OF **BELIEVE IT OR NOT - PROVES IT**

THROAT DOCTORS *pick* OLD GOLD

THE PUBLIC TEST
of 4 leading Cigarettes



Ripley OF **BELIEVE IT OR NOT - PROVES IT**

...the fact is that the public test of 4 leading cigarettes has shown that Old Gold is the most popular and most widely used cigarette in the world. This is the result of a long and careful study of the habits of smokers in all parts of the world. Old Gold is the cigarette that is most widely used and most highly recommended by the public.

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NOT A COUGH IN A CARLOAD

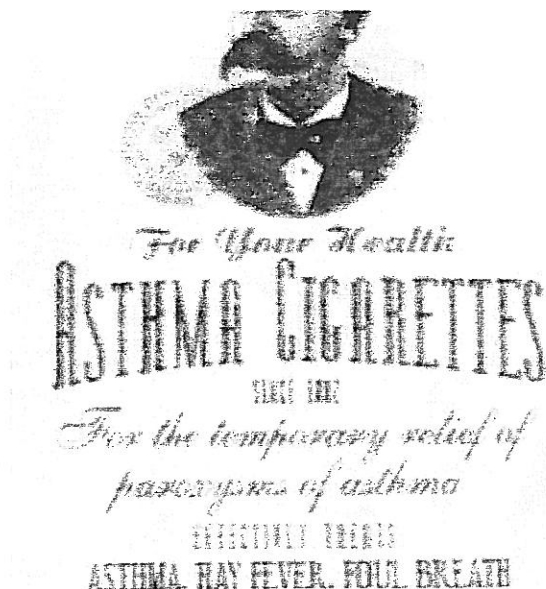
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Health Intelligence Magazine: Is it marketing or education?

By Kevin Charleston

Published: May 22, 2012, 10:59 p.m., Last updated: May 23, 2012, 2:11 p.m.

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Source: <http://www.henniker.org.uk/>.

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This article was also posted on Camcheck.

Tags: Solal 
Share

Comments in chronological order (2 comments)

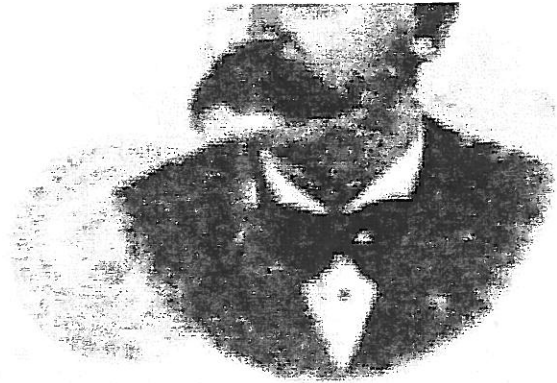
Brobbbertmab wrote on 30 May 2012 at 7:11 a.m.:

[HTML_REMOVED] lesbians [HTML_REMOVED] <http://www.aloe-vera.cz>
[HTML_REMOVED]anal [HTML_REMOVED]

Brobbbertmab wrote on 31 May 2012 at 2:27 a.m.:

[HTML_REMOVED] blowjob [HTML_REMOVED] <http://www.aloe-vera.cz>
[HTML_REMOVED]ebony cams [HTML_REMOVED]

Comments have been disabled for this article.



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