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The end of the Matthias Rath affair?

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TAC is pleased to report two positive developments that all but bring the Matthias Rath saga to a conclusion:

- State Takes Action Against Matthias Rath
- Rath appeal against Cape High Court judgment lapses

State takes action against Rath

On 13 June 2008, the Cape High Court ordered the Minister of Health (then Manto Tshabalala-Msimang) to take steps to prevent Rath and his agents from conducting unauthorised clinical trials and from publishing advertisements about the medicinal effects of Rath's product VitaCell. The state was also ordered to investigate these unlawful actions by Rath.

The court case arose because of the state's failure to investigate or stop Rath's unlawful activities. The court also interdicted Rath and several of his agents from continuing the above activities. The applicants in the case were TAC and the South African Medical Association (SAMA).

Last year, TAC member Sylvia Fynn discovered that the South African National Civics Organisation (SANCO) was continuing to distribute Rath's medicines from a facility in Durban. SANCO was also discouraging patients from taking ARVs. Fynn photographed a bin where patients had thrown away their scientifically proven medicines, apparently with the intention of using Rath's medicines. The Southern African HIV Clinicians Society (HIVSOC) also collected information on Rath's activities in Durban. Both the TAC and HIVSOC sent our information to the Department of Health. We have since communicated extensively with the Department. We have been impressed by the co-operation we have received from Department officials.

We are pleased to announce that the Department is attempting to implement the court order. We have received a letter, signed on 27 February, from Dr J. Gouws of the Department's Law Inspectorate stating:

I thank you for the information shared ... I wish to inform you that following the order of the Cape High Court ... the Department has embarked on investigation against Matthias Rath and Dr Rath Health Foundation Africa to ensure compliance with the said Court Order.

The said investigations are at an advanced stage and we have had successes in this regard. On the strength of our investigations, criminal cases have been opened by the Department for the alleged contraventions of the [Medicines Act] and are being investigated by the South African Police Services (SAPS) in Durban. Our investigations continue parallel to the SAPS investigation and we are hoping for more success.

The TAC welcomes and thanks the commitment and co-operation of the Department of Health over the last few months in this investigation. We also thank the Southern African HIV Clinicians Society for collecting evidence of continued infringements of the court order. Bringing charlatanism under control following the era of state-supported AIDS denialism is an immense challenge, but by taking action against Rath the Department of Health is sending the right message to other charlatans. This is an important first step.

We hope that a warrant of arrest will soon be issued for Rath. While it is unlikely it will ever be executed because Rath has left South Africa, it will be important symbolically to close this tragic affair, which has directly cost the lives of several of Rath's patients and indirectly cost the lives of countless others who were confused by the false messages of Rath, supported by former Minister of Health Tshabalala-Msimang.

Rath appeal against Cape High Court judgment lapses

Following the Cape High Court verdict, Rath lodged an appeal. TAC in turn counter-appealed (because we believe some aspects of the judgment could be stronger), and applied for an interim execution order. Rath's leave to appeal was granted, but so was TAC's leave to counter-appeal and our request for an interim execution order. Simply put, this means that the Cape High Court order against Rath would stand until the appeal was heard.

Matthias Rath has however failed to file further court papers and is now out of time. The appeal process is therefore over and this court case is now complete. The Cape High Court order stands unchallenged. Our lawyers have therefore begun the process of redeeming their considerable costs from Rath.

Background

Matthias Rath is a vitamin salesman and charlatan who claims his products reverse the course of AIDS and that ARVs are toxic and unnecessary. He also claims his products treat diabetes, heart disease, cancer and many other ailments. He started his activities in South Africa in 2004 and received extensive support from state officials and the Minister of Health for his unlawful and deadly activities. TAC, SAMA and many other organisations have campaigned for Rath's unlawful activities to be stopped. To TAC's knowledge, Rath's enterprises no longer have a signficant presence in South Africa and the vast majority of Rath's unlawful activities in the country have ended.

For more information on Rath and his wrongdoings, see these URLs:
http://www.tac.org.za/community/rath
http://www.tac.org.za/community/RathWrongs

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