

October 2, 2004

McCabe & Company
Level 2, Polo House
265 Wakefield Street
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New Zealand

Dear Sirs,

Abuse of "Tylenol" trade mark

The records at the Intellectual Property Office of New Zealand show that your firm is the contact point in New Zealand for matters related to the trade mark "Tylenol". I have discovered what I believe to be an egregious abuse of the trade mark, and I would like to bring it to your notice.

For some time an anti-vaccination organisation, the Immunisation Awareness Society (www.ias.org.nz), has been running a scare campaign against medications containing acetaminophen or paracetamol by linking their use to the spread of meningococcal disease, which is a severe medical problem in New Zealand at the moment. The objective of IAS is to deter parents from having their children vaccinated, and the tactic they are using in this case is to suggest that the disease is relatively harmless but can be made worse by the use of antipyretic drugs which reduce the fever associated with the disease. To support this, IAS have produced a report titled "Paracetamol – it's (sic) role in fever, illness and recovery" which can be found at www.ias.org.nz/paracetamol.pdf. (I have attached a copy.)

I have had long experience with the opponents of real medicine and I am always suspicious when they start citing the medical literature. Almost universally, the citations fall into one or more of the following categories:

- Ancient works, sometimes more than a century old, which predate much of modern medicine
- Preliminary findings which have subsequently been shown to be either erroneous or dead ends
- Research which refutes what the citer claims it supports
- Publication so far in the past that family doctors or general practitioners are unlikely to have access to the relevant journal issues to check the relevance of the work
- Letters to the editors of journals, rather than peer-reviewed articles
- Papers in non-peer-reviewed journals edited by proponents of doubtful treatments
- Newspaper articles
- Papers in foreign language publications which may not have an English edition
- Outright fabrications, where sometimes the journal does not even exist
- The use of non-standard abbreviations for journal names, making it difficult to search library catalogues
- Research which is irrelevant to, or barely tangential upon, the matter under discussion.

The intention is to impress people who might not have scientific training, and even if they did, might not be able to locate the cited research. Put another way, the intention is to deceive.

I have access to the library at one of Australia's largest teaching hospitals, so I set out to check the references in the IAS report. As I expected, many fell into the various classes mentioned above, but I was able to locate at least one paper. In the IAS report it says "And last but not least, if you want to turn chickenpox into fulminant necrotising fasciitis – go ahead – and give tylenol/paracetamol" and a reference is given to a paper in the April 1999 edition of "Pediatrics". I have attached a copy of the first page of this paper which clearly shows that the research had nothing to do with the product Tylenol or its active ingredient, but was concerned about a possible effect of ibuprofen, a different chemical altogether. I am not surprised that people who would lie about the dangers of vaccination would lie about something else, but there is a particular irony to this case of deception. There is glaring hypocrisy when people who support the claim that chickenpox is always a harmless disease use one of the nastier sequelae of that disease to frighten parents away from vaccinating their children. If all hypocrisy and lies were to be removed from the publications of the anti-vaccination movement, however, there would be nothing left.

There is a "correction" appearing on the front page of the IAS web site, as well as on some of the PDF files of reports contained in the site, which dissociates the brand name "Pamol" from any suggestion that it might actually cause meningococcal disease. I assume from this that such an inference could be drawn from statements which had previously appeared on the site and in IAS publications, and that the lawyers representing Parke-Davis/Warner Lambert have

forced the retraction to protect the reputation of the brand. However, the site still contains a statement, not backed by any scientific research, that the product branded “Tylenol” can directly cause children to suffer from a particularly disgusting and distressing condition. I urge you to take action to protect your client’s valuable brand name from abuse by people who want to use it to further their perverted agenda to prevent children from receiving protection against dangerous diseases.

Thank you. If you want to discuss this matter with me I can be reached by email addressed to peter@acahf.org.au or by telephone at 61-2-96867212.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Peter Bowditch', with a long horizontal flourish extending to the right.

Peter Bowditch