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Owners and CEO — The Berkey
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Dear Owners and CEO:

I'm writing concerning false statements and claims about minerals in bottled mineral water published on your company website, TheBerkey.com. You are misinforming consumers about this issue and we request that you remove these false claims from The Berkey website and in any of your company's marketing materials (flyers, website, videos, etc.).

Specifically, your webpage titled "Are Minerals Considered Organic or Inorganic Nutrients" (https://theberkey.com/blogs/water-filter/are-minerals-considered-organic-nutrients?_pos=1&_sid=b10659762&_ss=r) contains unattributed and unsubstantiated statements that are false and mislead people about the vital and important role minerals in water play in helping the human body to function properly.

The World Health Organization (WHO) defines Total Dissolved Solids (TDS) as *"the inorganic salts and small amounts of organic matter present in a solution in water. The principal constituents are usually calcium, magnesium, sodium, and potassium cations and carbonate, hydrogen carbonate, chloride, sulfate, and nitrate anions."* WHO has not proposed a health-based guideline value for TDS because there are no data that show any adverse health effects associated with the ingestion of TDS. Moreover, we are not aware of any valid scientific studies demonstrating any health benefits associated with drinking water with low amounts of TDS. (World Health Organization. *Total Dissolved Solids in Drinking-Water: Background Document for Development of WHO Guidelines for Drinking-Water Quality*. 2003. Available at: http://www.who.int/water_sanitation_health/dwq/chemicals/tds.pdf.)

Consuming minerals in water does not harm people and, in many cases, they can be good for peoples' health and contribute to the water's good taste. In fact, WHO has recognized possible health benefits of consuming water that contains calcium and magnesium in a report that found: *"While the concentrations of calcium and magnesium in drinking-water vary markedly from one supply to another, mineral-rich drinking-waters may provide substantial contributions to total intakes of these nutrients in some populations or population subgroups."* See: https://apps.who.int/iris/bitstream/handle/10665/43836/9789241563550_eng.pdf?sequence=1

Other false statements in this section of The Berkey website, which we ask that you remove, include:

“The inorganic mineral deposits in the body can possibly lead to gallstone and kidney stone formation. It can also possibly lead to arthritis, hardening of the arteries, heart trouble, ossification of the brain, and other diseases.

“The mineral matter combines with cholesterol which forms plaques. Ultimately, plaques lead to cardiovascular problems. It can go together with the uric acid and lead to rheumatic and arthritic complaints.

“The cells in the body can only use pure and distilled water. This is available in the fruits, plants, and other water sources. The body rejects all types of inorganic minerals which are consumed in processed waters.

“Furthermore, when you drink the mineral waters, leukocytosis can possibly occur from 30 minutes to 3 hours after drinking. Leukocytosis is the increase of the white blood cells, especially during an infection. These are considered as the body’s first line of defense versus foreign or harmful substances, which in this case are the inorganic minerals from the water.

“The mineral waters we buy from the market cannot give the body with needed elements other than the water itself. The other inorganic minerals can be eliminated to the body via the kidney, skin, and others. On the other hand, if it is not flushed out of the body, it can get deposited and cause harm in the long run.

“The sea water is the richest mineral water. However, it is not advised to drink it since it is poisonous. All other mineralized waters are contaminated and dirty. It contains inorganic matter and pathogens which are harmful to the body.”

You may be aware that, for the fourth year in a row, bottled water has outsold carbonated soft drinks (by volume) and is the No.1 packaged beverage in the United States. Americans are making great efforts to live a better lifestyle by choosing healthier foods and beverages. Drinking water –tap, bottled, or filtered –should therefore be encouraged. With the high rates of obesity, diabetes, heart disease, and lead-contaminated tap water in the United States, bottled water provides our on-the-go society a safe, healthy, convenient beverage choice. Discouraging people from choosing this healthy drink option is not in the public interest.

In the United States, false, misleading, and unsubstantiated statements and claims can constitute unfair and deceptive acts or practices in violation of Section 5 of the Federal Trade Commission Act, 15 U.S.C. § 45, and they are subject to enforcement by the Federal Trade Commission (FTC). (There are similar laws in most other countries.) Such claims are also actionable violations of the “false advertising” provisions of Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a). Under 15 U.S.C. §§ 1116-17, a successful false advertising plaintiff may obtain injunctive relief and also may recover a

defendant's profits, damages sustained by the plaintiff, and costs of the action, as well as exemplary damages and attorneys' fees in appropriate cases.

On the basis of the facts we have provided in this letter, IBWA requests that The Berkey remove from its website all false, misleading, and disparaging statements about the safety of bottled mineral water products. I would be happy to speak with you or someone from your company directly to discuss this matter.

Sincerely,

Jill Culora
Vice President Communications
International Bottled Water Association