



ADVOKATFIRMAET
DANIELSEN & CO. AS

ANSVARLIG ADVOKAT:

PER DANIELSEN
ADVOKAT
MØTERETT FOR HØYESTERETT

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ADVOKATFULLMEKTIG

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PM-INTERNATIONAL – TV2s PROGRAM «HELSEKONTROLLEN»

Undertegnede har fått henvendelse fra PM-International, som har bedt om min bistand.

Jeg er blitt bedt om å videreformidle følgende på vegne av min klient:

«Reference is made to the next episode of Tv2s upcoming program «Helsekontrollen», which is produced by Mastiff, and last week's teaser which implies that PM-International ("PM") and PMs team partners ("TP") are not acting in accordance with Norwegian law. Reference is also made to statements and questions received prior to last week's teaser.

It is PMs view that Tv2/Mastiffs questions are not in compliance with the Ethical Code of Practice for the Norwegian Press and that the showing of Helsekontrollen, for a viewing public, will not be in compliance with the Compensatory Damages Act section 3.6 a).

In this regard, we will especially highlight the following:

- PM would stress that they do not provide any information or advertising attributing the property of preventing, treating or curing any human disease or create an impression of such characteristics to any of its products and is strict about ensuring that none of its TP uses this kind of advertising. PM take this issue very seriously, and do not tolerate misbehaviour. If a TP provides the consumer with any kind of medical advice or disease related advertising, the default consequence is termination of the contract of

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collaboration with the respective distributor. Accordingly, the allegation that PMs business model intends to benefit from illegal advertising practices of its TPs is factually wrong.

- PM would stress that the “CellReset” concept is not linked to PM in any way. Further, if consumers decide to buy FitLine products they have to acquire the FitLine product via the transparent and described distribution process of PM. During this process, every prospective buyer has the choice to register either as a consumer or as a TP. This is clearly stated in the ordering process before buying the products. PM does not think that there is any room for misinterpretation regarding the customer’s status. Accordingly, it is PMs view that Tv2s/Mastiffs statements regarding “CellReset” and the ordering process are factually wrong.
- PMs aim is to limit the amount of sugars used in our products to the minimum amount meaningful. A daily portion of PMs core product FitLine PowerCocktail delivers 1/3 of the amount of sugar contained in an apple (150 g / 5,3 oz). We (our international team of experts) do not think that this is a disproportional amount of sugar. Moreover, it is to consider that food supplements are concentrated sources of nutrients. Although the concentration of vitamins, minerals and other nutritional substances contained in FitLine products ensure to deliver substantial parts of recommended daily uptakes of these nutrients, the absolute weight of these dosages are lower than the amount of sugars necessary to achieve the taste of the products. This is why sugar appears to dominate the composition of the products in case the list of ingredients is viewed solely based on proportion of weight approach without considering the nutritional value of the components. Accordingly, it is PMs view that Tv2/Mastiffs statement that the FitLine products is “[a] powder mostly containing sugar” is wrong, and lacks factual basis.
- PM developed the Nutrient Transport Concept to ensure that the latest insights in nutritional sciences are considered in all FitLine Products. All FitLine products are developed with a team of experts, such as nutritionists, biologists, biochemists and physiologists. Synergistic effects of various micronutrients are considered during the development of the formulation of FitLine products to maximize the nutritional benefit of each single product. Although it is not possible to enhance the absorption of nutrients above a physiological level, the thorough combination of vitamins, minerals and other nutrients ensure that the maximum level of physiological absorption of these substances is achieved and unwanted interaction of nutrients disturbing their uptake are avoided. By applying this concept, we provide our customers products that are an ideal source of essential vitamins, minerals and other valuable nutrients ensuring the optimum supply and uptake of these components. Accordingly, there is no factual basis for Tv2s/Mastiffs claim, that “[t]he Nutrition Transport Concept is a hoax”.

PM expects TV2 to take our answers into consideration, and present a program which is balanced and refrain from any false statements. We stress that TV2 is obliged to present a program which is based on correct and reliable sources and that statements should not be presented without PMs countering. In other words we expect TV2 to present a program which is within Ethical Code of Practice for the Norwegian Press, especially section 2.3, 3.2 and 4.14 and within the frames of the Norwegian Damages Act Section 3.6a.

As with the above mentioned points you are in high risk that the presentation of the program will infringe a variety of rules and regulations, we are offering you this opportunity to give Tv2 a chance to correct the presentation before the program is aired. And we fully hold you legally responsible for any misleading or wrongful information potentially damaging the reputation of our company and/or partners and to report you to the Norwegian Press Authority or initiate legal steps.”

Jeg vedlegger tysk dom som klargjør at det ikke finnes grunnlag for beskyldninger om pyramidevirksomhet, likeledes sertifikat for «fairly direct distribution».

Denne henvendelse sendes kun elektronisk, idet jeg ber om at alle adressater oppstilt innledningsvis får tilsendt kopi umiddelbart på mail i TV 2 sitt interne system.

Med vennlig hilsen



Per Danielsen
Advokat