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# The Hoodia Case – challenges for user-countries

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# The Hoodia Market in Switzerland and Germany



# Over 10 different Products sold in Germany and Switzerland

Hoodia-Products collected by EED and Berne Declaration, 2005

| Nr. | Product        | Producer/Distributor   | Content   | Price        | Bought in  |
|-----|----------------|--|---|--------------|--|
| 1   | Hoodia Kapseln | SynPharma International Ltd. Horsham, England  | 60 Capsules (total: 27 g) with 22% Hoodia-Powder  | 24.90 Euro   | Health food shop, Rheinbach, Germany                           |
| 2   | Hoodia Kapsel  | Bergland-Pharma GmbH, Heimertingen, Germany  | 60 Capsules with each 125mg Hoodia extract        | 26.45 Euro   | Pharmacy, Rheinbach, Germany                                   |
| 3   | Hoodia         | Gall-Pharma, Judenburg, Austria; Hecht-Pharma Stinstedt, Germany   | 60 Capsules with each 50mg Hoodia extract         | 19.90 Euro   | Pharmacy, Rheinbach, Germany                                   |
| 4   | Hoodia         | Guarani Botanical Eurotrading S.L., Rincon de la Victoria, Spain (Producer); Hannes Pharma, München, Germany (Distributor) | 60 Capsules (total 34g) with 5% Hoodia extract    | 19.90 Euro   | Pharmacy, Rheinbach, Germany                                   |
| 5   | Hoodia         | Avitale by Mikro-Shop, Quickborn Germany   | 60 Capsules with each 125mg Hoodia extract        | 15.95 Euro   | Pharmacy, Rheinbach, Germany                                   |
| 6   | Hoodia         | Karl Minck, Rendsburg, Germany   | 60 Capsules with each 125mg Hoodia extract        | 13.42 Euro   | Pharmacy, Rheinbach, Germany                                   |
| 7   | Hoodia form    | Samadhi Biocybernetics GmbH, Erfstadt Germany  | 60 Capsules with each 600mg Hoodia powder         | 34.95 Euro   | Pharmacy, Rheinbach, Germany                                   |
| 8   | Hoodia         | Willemin & Rebetez, Delémont, Switzerland  | 100 Capsules with each 150mg dried Hoodia extract | 45.- SFr.    | Ordered by phone and sent by mail in Switzerland               |
| 9   | Hoodia         | Phytopharma SA, Grandvillard, Switzerland  | 50ml spagyric essence                             | 29.80 SFr.   | Pharmacy, Zürich, Switzerland                                  |
| 10  | Hoodia Plus    | European Health Care Clinics; London, Paris, Athens (Europe)   | 60 Capsules with each ?mg pure Hoodia Gordonii    | £ 16.75 GBP  | Internet: <a href="http://www.eurohcc.com">www.eurohcc.com</a> |
| 11  | Hoodia DEX-L10 | DelMar Labs (USA), licensed by Nutralab (USA)  | 60 Capsules with each 500mg Hoodia Gordonii stem  | 30 US Dollar | General Nutrition Center New York, USA                         |
| 12  | Hoodia         | Elisom, Heiden, Switzerland  | 90 capsules with each 50mg Hoodia Gordonii        | 49.- SFr.    | Internet: <a href="http://www.elisom.ch">www.elisom.ch</a>     |

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# Brisk Hoodia Trade in the US

- Once CBS and 60 minutes aired their segment on using Hoodia as an appetite suppressant word has spread like wildfire across the globe about this amazing plant. As a result of this quick popularity Hoodia has gained you can now find different brands of Hoodia popping up everyday.
- Recently a test was performed by Alkemist Pharmaceuticals which found that eleven out of seventeen brand-name Hoodia supplements tested failed a laboratory analysis of authenticity.

(Source US-Website, listing 26 different brands)

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**BUT:**

- None of the products sold today has received PIC or has entered into a Benefit-Sharing agreement with the SAN or with a country of origin.
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## Are user-countries obliged to act?

- CBD Art.15.7

7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, ... with the aim of sharing in a fair and equitable way ... the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

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## CBD Art. 8j

- (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities ... and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;
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# Bonn Guidelines

## chapter II C (Responsibilities), para d

- *Contracting Parties with users of genetic resources under their jurisdiction should take appropriate legal, administrative, or policy measures, as appropriate, to support compliance with prior informed consent of the Contracting Party providing such resources and mutually agreed terms on which access was granted. These countries could consider, inter alia, the following measures:*
  - *iii. Measures aimed at preventing the use of genetic resources obtained without the prior informed consent of the Contracting Party providing such resources;*
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## San and NGOs urge Governments to act

- In a joint letter WIMSA -Working Group of Indigenous Minorities in Southern Africa, Biowatch, Berne Declaration and the Church Development Service urged several governments to act on this issue – to implement the CBD and to restore the rights of the San.
  - Looking forward to a response how they plan to proceed
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## No good examples

- In contrast to provider countries, nearly no user country has taken steps to support compliance with PIC and ABS.
  - A lot of emphasis on disclosure of origin in patent applications – this will not solve the problem in the hoodia-case.
  - User countries have to start thinking
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# Possible Solutions

## UNU-IAS Report

### User Measures

**Options for Developing Measures in User Countries  
to Implement the Access and Benefit-Sharing  
Provisions of the Convention on Biological Diversity**

2nd Edition

- Information, Codes and Certification
  - Import and Transport Regulations (CITES?)
  - Measures to Address Infringements
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# Hundred Questions

- Genetic Resource / Traditional Knowledge
  - Coordination between southern African countries?
  - Additional tasks of provider countries?
  - If Hoodia powder is imported from Chile?
  - If the Hoodia plant is grown in a greenhouse in Germany?
  - If the pills are imported from the US?
  - If the product is marketed as Hoodia of the San but does not contain Hoodia?
  - Internet Market?
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