

EXHIBIT 9

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9 HYLAND'S, INC. and STANDARD
HOMEOPATHIC COMPANY
10

11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
13

14 KIM ALLEN, DANIELE XENOS,
15 RODGER HUTCHINSON, MELISSA
NIGH, SHERRELL SMITH, YUANKE
16 XU, DIANA SISTI, and NANCY
RODRIGUEZ, on behalf of themselves
17 and all others similarly situated and the
general public,

18 Plaintiffs,

19 v.

20 HYLAND'S, INC., a California
corporation; and STANDARD
21 HOMEOPATHIC COMPANY,

22 Defendants.
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28

Civil Action No. 2:12-CV-1150 DMG
(MANx)

CLASS ACTION

**DECLARATION OF IRIS BELL,
M.D., PH.D, IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
CLASS CERTIFICATION**

Judge: Hon. Dolly M. Gee
Date: July 13, 2012
Time: 9:30 a.m.
Location: Courtroom 7

1 I, Iris Bell, M.D., Ph.D., declare as follows:

2 1. I am a professor at the University of Arizona in the Department of
3 Family and Community Medicine and I am a research professor in the College of
4 Nursing. I was awarded a Bachelor of Arts in Biology from Harvard University in
5 1972, a Ph.D. in Neuro- and Biobehavioral Sciences from Stanford University in
6 1977, and an M.D. from Stanford University in 1980. I am a Diplomate in
7 Psychiatry, from the American Board of Psychiatry and Neurology, and am
8 certified by the American Board of Psychiatry and Neurology, with an Added
9 Qualification in Geriatric Psychiatry. I have been studying and practicing
10 homeopathy since 1977. In 2002, following a two-year course on advanced
11 homeopathic prescribing I was certified by certificate as an advanced clinician in
12 homeopathic practice. In addition to medical licenses in California, Massachusetts,
13 and Arizona, I hold an Arizona Homeopathic (Alternative Medicine) Medical
14 License [MD(H)].

15 2. I have served as an investigator on numerous research projects,
16 including many funded by the National Institutes of Health. I have served as a
17 peer-reviewer for numerous medical and scientific journals, and have published
18 well in excess of 100 scientific articles, reviews, and textbook chapters. My major
19 research interests include:

- 20 • Nonlinear properties of psychophysiological responses and whole
21 person healing from whole system treatment interventions in
22 complementary and alternative medicine (homeopathy as a model
23 healing system).
- 24 • Health outcomes/effectiveness studies of integrative medicine,
25 complementary and alternative medicine; outcome tool development
26 including markers of executive function and language use patterns.

- Neurobiology, especially neural sensitization to stress and environmental agents, in somatoform-like spectrum disorders (multiple chemical sensitivity, fibromyalgia, chronic fatigue syndrome) and obesity.
- Metabolic and environmental neurotoxicant factors in reversible and irreversible dementias associated with affective disorders; antioxidant interventions in dementias.

3. A true and correct copy of my current curriculum vitae, providing all of my background, training, and experience, is attached as Exhibit A.

4. I have personal knowledge of the following, and can and do competently testify thereto.

5. Since 2006, I have been the Director of Scientific Affairs for Standard Homeopathic Company and Hyland's, Inc. ("Hyland's"). Since 2011, I have also been the Medical Director for Standard Homeopathic Company and Hyland's, Inc. I make this declaration in support of Hyland's opposition to plaintiff Kim Allen's motion for class certification. In connection with this declaration, I have reviewed plaintiff's motion and supporting declarations. I also rely upon my background, training, and experience in both traditional medicine and in homeopathy, and on the scientific literature regarding homeopathic medications, which I regularly review and to which I regularly contribute as an author.

6. Homeopathy is a 200-year-old school of medicine utilizing plant, animal, and mineral matter prepared by trituration (grinding or milling), a series of dilutions, and succussions (vigorous shaking or agitation), and used to remedy various medical conditions. There are two main principles underlying homeopathy: the principle of "similars" and the use of the minimum dose necessary to stimulate a beneficial response without causing a toxic effect in a sick person.

1 7. The principle of similars espouses the theory that "like cures like."^{1,2,3}
2 When a medicine is administered to an organism, both primary and secondary
3 symptoms are observed. The primary symptoms are the initial effects of the drug
4 on the organism, usually causing some unwanted symptom, and the secondary
5 effects are the organism's reparative or adaptive processes. Throughout the
6 practice's history, homeopaths developed new homeopathic drugs by administering
7 them to healthy individuals and recording the primary symptoms.^{4,5} When the
8 primary symptoms that the medicine could cause in a healthy person were identical
9 to a particular symptom pattern already present in a sick person, the homeopathic
10 medicine's secondary effects were observed to produce a reversal of the symptoms.
11 That is, the medicine brought about a bodily response to recover from that set of
12 symptoms. As a result, when the medicine was given to persons with a similar
13 symptom pattern, it stimulated the body to reverse or combat the primary
14 symptoms. In other words, when a primary symptom is observed as a result of an
15 illness, administering a substance that causes that same primary symptom in a
16 healthy person will cause the body of a similarly-sick person to exhibit
17 compensatory secondary or adaptive symptoms that actually combat the illness.

19 ¹ Van Wijk R & Wiegant FA (2010) Postconditioning hormesis and the
20 homeopathic Similia principle: molecular aspects. *Hum Exp Toxicol* 29(7):561-
21 565 .

22 ² Van Wijk R & Wiegant FA (2011) Postconditioning hormesis and the similia
23 principle. *Front Biosci (Elite Ed)* 3:1128-1138 .

24 ³ Banerjee P, Biswas SJ, Belon P, & Khuda-Bukhsh AR (2007) A potentized
25 homeopathic drug, Arsenicum Album 200, can ameliorate genotoxicity induced by
26 repeated injections of arsenic trioxide in mice. *J Vet Med A Physiol Pathol Clin*
27 *Med* 54(7):370-376.

28 ⁴ Möllinger H, Schneider, R., Walach, H. (2009) Homeopathic pathogenetic trials
produce specific symptoms different from placebo. *Forsch Komplementmed.*
16(2):105-110.

⁵ Walach H, Möllinger H, Sherr J, Schneider R. (2008) Homeopathic pathogenetic
trials produce more specific than non-specific symptoms: results from two double-
blind placebo controlled trials. *J Psychopharmacol.* 22(5):543-552.

1 8. The second principle, which uses the lowest necessary dose of the
2 medicine to produce benefit, involves making a special form of the source material
3 by grinding ("trituration"), diluting and shaking the solutions repeatedly, thus
4 producing a form called a medicine potency. The principle states that remedies will
5 retain their biological activity if they are repeatedly diluted and agitated or shaken
6 between each dilution. As the ingredients are diluted, they are vigorously shaken, a
7 process called succussion. Many starting materials must first be ground into very
8 fine particles before they are ready for the dilution and succussion process.
9 Homeopaths learned that by reducing the dosage of the drug (determining the
10 appropriate "potency"), the primary undesirable symptoms were diminished, but the
11 secondary beneficial effects on symptoms were unaffected. Ideally, homeopathic
12 practitioners seek to find the optimal dose, that is, the lowest dose that induces the
13 secondary response, to combat the symptoms of a given illness. A potency dilution
14 of X means a 1 in 10 dilution from the original ingredient that is succussed many
15 times after the dilution step.

16 Modern homeopathy is premised upon a non-linear dose response for these
17 natural substances. The non-linear dose response phenomenon is explained by a
18 well-documented observation in the research literature known as hormesis,^{6,7,8,9,10}
19 whereby the same substance can produce effects in different or opposite directions,
20 depending on the dose of the substance and the state or condition of the organism at
21

22 ⁶ Van Wijk R & Wiegant FA (2010) Postconditioning hormesis and the
23 homeopathic Similia principle: molecular aspects. *Hum Exp Toxicol* 29(7):561-
24 565.

25 ⁷ Van Wijk R & Wiegant FA (2011) Postconditioning hormesis and the similia
26 principle. *Front Biosci (Elite Ed)* 3:1128-1138.

27 ⁸ Mattson MP (2008) Hormesis defined. *Aging Research Rev* 7(1):1-7.

28 ⁹ Calabrese EJ & Mattson MP (2011) Hormesis provides a generalized quantitative
estimate of biological plasticity. *J Cell Commun Signal* 5(1):25-38.

¹⁰ Calabrese EJ (2008) Hormesis and medicine. *Br J Clin Pharmacol* 66(5):594-
617.

1 the time it receives the dose. Low doses tend to produce beneficial effects, whereas
2 high doses of the same substance tend to produce adverse or toxic effects. More
3 than 8,000 research papers showing this type of dose-dependent, dual directionality
4 of the response have been documented.¹¹ Beneficial hormesis responses tend to be
5 found at low doses of a substance, below the lowest dose level where toxic effects
6 usually occur.¹² Experts now believe that hormesis relies more on the physiological
7 adaptational capacity and state of the organism than it does on the pharmacological
8 (conventional drug-like) effects of the substance.^{13,14} To take advantage of
9 hormesis, homeopathic drugs are prepared at the lowest subtoxic observed level
10 sufficient to trigger the secondary symptoms without causing the primary symptom.
11 The ingredient, which has been observed to cause primary and secondary symptoms
12 at high doses, produces only the secondary symptoms at the extremely low doses.

13 9. Some in conventional medicine dispute the efficacy of homeopathic
14 treatments, believing that homeopathic preparations are so dilute that any effects
15 seen in individual patients are merely due to the placebo effect. However, a variety
16 of clinical trials of homeopathic medicines and a growing body of *in vivo* (animal)
17 and *in vitro* (test tube) studies have shown that homeopathic medicines can produce
18 real and measurable effects.^{15,16,17,18,19,20,21,22,23,24,25,26,27,28,29,30,31,32,33} These
19

20 ¹¹ Calabrese EJ & Mattson MP (2011) Hormesis provides a generalized quantitative
21 estimate of biological plasticity. *J Cell Commun Signal* 5(1):25-38 .

22 ¹² Calabrese EJ (2008) Hormesis and medicine. *Br J Clin Pharmacol* 66(5):594-
23 617 .

24 ¹³ Calabrese EJ & Mattson MP (2011) Hormesis provides a generalized
25 quantitative estimate of biological plasticity. *J Cell Commun Signal* 5(1):25-38 .

26 ¹⁴ Iavicoli I, Calabrese EJ, & Nascarella MA (2010) Exposure to nanoparticles and
27 hormesis. *Dose Response* 8(4):501-517.

28 ¹⁵ Barbosa PR, *et al.* (2008) The aqueous extracts of *Passiflora alata* and *Passiflora*
edulis reduce anxiety-related behaviors without affecting memory process in rats.
J Med Food 11(2):282-288 .

¹⁶ Bell IR, *et al.* (2011) Effects of homeopathic medicines on polysomnographic
sleep of young adults with histories of coffee-related insomnia. *Sleep Med*
12(5):505-511 .

¹⁷ Bell IR, *et al.* (2004) EEG alpha sensitization in individualized homeopathic treatment of fibromyalgia. *International Journal of Neuroscience* 114(9):1195-1220.

¹⁸ Bellavite P, *et al.* (2012) Testing homeopathy in mouse emotional response models: pooled data analysis of two series of studies. *Evid Based Complement Alternat Med* 2012:954374 .

¹⁹ Bellavite P, Marzotto M, Chirumbolo S, & Conforti A (2011) Advances in homeopathy and immunology: a review of clinical research. *Front Biosci (Schol Ed)* 3:1363-1389 .

²⁰ Bornhoft G & Matthiessen PF eds (2011) *Homeopathy in Healthcare -- Effectiveness, Appropriateness, Safety, Costs* (Springer).

²¹ de Almeida LR, Campos MC, Herrera HM, Bonamin LV, & da Fonseca AH (2008) Effects of homeopathy in mice experimentally infected with *Trypanosoma cruzi*. *Homeopathy* 97(2):65-69.

²² dos Santos AL, Perazzo FF, Cardoso LG, & Carvalho JC (2007) In vivo study of the anti-inflammatory effect of *Rhus toxicodendron*. *Homeopathy* 96:95-101.

²³ Möllinger H, Schneider, R., Walach, H. (2009) Homeopathic pathogenetic trials produce specific symptoms different from placebo. *Forsch Komplementmed*. 16(2):105-110.

²⁴ Patil CR, *et al.* (2009) Immunomodulatory activity of *Toxicodendron pubescens* in experimental models. *Homeopathy* 98(3):154-159.

²⁵ Pereira WK, *et al.* (2005) Immunomodulatory effect of Canova medication on experimental *Leishmania amazonensis* infection. *J Infect* 51(2):157-164 .

²⁶ Pinto SA, Bohland E, Coelho Cde P, Morgulis MS, & Bonamin LV (2008) An animal model for the study of *Chamomilla* in stress and depression: pilot study. *Homeopathy* 97(3):141-144.

²⁷ Ramachandran C, Nair PK, Clement RT, & Melnick SJ (2007) Investigation of cytokine expression in human leukocyte cultures with two immune-modulatory homeopathic preparations. *J Altern Complement Med* 13(4):403-407.

²⁸ Ruiz G, Torres, J.L. (1997) Homeopathic effect on the sleep pattern of rats. *British Homoeopathic Journal* 86:201-206.

²⁹ Ruiz-Vega G, Poitevin, B., Pérez-Ordaz, L. (2005) Histamine at high dilution reduces spectral density in delta band in sleeping rats. *Homeopathy* 94(2):86-91.

³⁰ Ruiz-Vega G, Perez-Ordaz L, Proa-Flores P, & Aguilar-Diaz Y (2000) An evaluation of *Coffea cruda* effect on rats. *British Homoeopathic Journal* 89(3):122-126.

³¹ Walach H, Möllinger H, Sherr J, Schneider R. (2008) Homeopathic pathogenetic trials produce more specific than non-specific symptoms: results from two double-blind placebo controlled trials. *J Psychopharmacol*. 22(5):543-552.

Exhibit 9
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conclusions are further bolstered by ongoing research in non-linear dose-response curves (the principle of hormesis)^{34,35} and nanopharmacology³⁶ (the pharmacological action of nanoparticles).^{37,38,39,40,41,42,43} As mentioned above, the method by which many homeopathic medicines are made involves grinding the

- ³² Werkman C, Senra GS, da Rocha RF, Brandao AA. (2006) Comparative therapeutic use of Risedronate and Calcarea phosphorica--allopathy versus homeopathy--in bone repair in castrated rats. *Pesqui Odontol Bras.* 20(3):196-201.
- ³³ Witt C & Albrecht H eds (2009) *New Directions in Homeopathy Research* (KVC Verlag, Essen, Germany).
- ³⁴ Van Wijk R & Wiegant FA (2010) Postconditioning hormesis and the homeopathic Similia principle: molecular aspects. *Hum Exp Toxicol* 29(7):561-565 .
- ³⁵ Van Wijk R & Wiegant FA (2011) Postconditioning hormesis and the similia principle. *Front Biosci (Elite Ed)* 3:1128-1138 .
- ³⁶ Chikramane PS, Suresh AK, Bellare JR, & Kane SG (2010) Extreme homeopathic dilutions retain starting materials: A nanoparticulate perspective. *Homeopathy.* 99(4):231-242.
- ³⁷ Bhakta G, Shrivastava A, & Maitra A (2009) Magnesium phosphate nanoparticles can be efficiently used in vitro and in vivo as non-viral vectors for targeted gene delivery. *J Biomed Nanotechnol* 5(1):106-114 .
- ³⁸ Bhattacharyya SS, Paul S, & Khuda-Bukhsh AR (2010) Encapsulated plant extract (*Gelsemium sempervirens*) poly (lactide-co-glycolide) nanoparticles enhance cellular uptake and increase bioactivity in vitro. *Exp Biol Med (Maywood)* 235(6):678-688 .
- ³⁹ Buzea C, Pacheco II, & Robbie K (2007) Nanomaterials and nanoparticles: sources and toxicity. *Biointerphases* 2(4):MR17-71.
- ⁴⁰ Huang S, Chen JC, Hsu CW, & Chang WH (2009) Effects of nano calcium carbonate and nano calcium citrate on toxicity in ICR mice and on bone mineral density in an ovariectomized mice model. *Nanotechnology* 20(37):375102 .
- ⁴¹ Iavicoli I, Calabrese EJ, & Nascarella MA (2010) Exposure to nanoparticles and hormesis. *Dose Response* 8(4):501-517.
- ⁴² Maitra A (2005) Calcium phosphate nanoparticles: second-generation nonviral vectors in gene therapy. *Expert Rev Mol Diagn* 5(6):893-905 .
- ⁴³ Zhang H, et al. (2011) Nano-CeO₂ exhibits adverse effects at environmental relevant concentrations. *Environ Sci Technol* 45(8):3725-3730 .

1 source material before it is further diluted and succussed.⁴⁴ This grinding process is
2 similar to one of two major ways in which nanoparticles of plants, minerals, or
3 drugs are made. In modern nanotechnology, the method is called "top down", and
4 the procedures involve milling or grinding the source material down to generate
5 extremely small particles.^{45,46} Intense agitation of solutions⁴⁷ containing
6 nanoparticles has also been demonstrated scientifically to change their properties,⁴⁸
7 usually lowering the doses needed to produce biological effects.^{49,50,51,52}
8 Nanoparticles have been shown in multiple scientific studies to be capable of
9 producing the nonlinear adaptive dose-response effects of hormesis.⁵³ When it has
10 been studied in primary care populations with common acute illnesses, homeopathy
11

12 ⁴⁴ Bhattacharyya SS, *et al.* (2008) In vitro studies demonstrate anticancer activity of
13 an alkaloid of the plant *Gelsemium sempervirens*. *Exp Biol Med* (Maywood)
14 233(12):1591-1601 .

15 ⁴⁵ DeCastro CL & Mitchell BS (2002) Nanoparticles from mechanical attrition
16 (American Scientific Publisher, Valencia, CA), in Baraton, MI (ed) Synthesis,
17 Functionalization, and Surface Treatment of Nanoparticles, pp 1-15.

18 ⁴⁶ Merisko-Liversidge E & Liversidge GG (2011) Nanosizing for oral and
19 parenteral drug delivery: a perspective on formulating poorly-water soluble
20 compounds using wet media milling technology. *Adv Drug Deliv Rev* 63(6):427-
21 440 .

22 ⁴⁷ Rao M, Roy R, Bell, IR. (2008) Characterization of the structure of ultra dilute
23 sols with remarkable biological properties. *Materials Letters* 62:1487-1490.

24 ⁴⁸ Ruan B & Jacobi M (2012) Ultrasonication effects on thermal and rheological
25 properties of carbon nanotube suspensions. *Nanoscale Research Letters* 7(1):127.

26 ⁴⁹ Armstead AL & Li B (2011) Nanomedicine as an emerging approach against
27 intracellular pathogens. *Int J Nanomedicine* 6:3281-3293 .

28 ⁵⁰ Buzea C, Pacheco II, & Robbie K (2007) Nanomaterials and nanoparticles:
sources and toxicity. *Biointerphases* 2(4):MR17-71.

⁵¹ Montagnier L, Aissa J, Ferris S, Montagnier J-L, & Lavallee C (2009)
Electromagnetic signals are produced by aqueous nanostructures derived from
bacterial DNA sequences. *Interdisciplinary Sci Comput Life Sci* 1:81-90.

⁵² Silva GA (2007) Nanotechnology approaches for drug and small molecule
delivery across the blood brain barrier. *Surg Neurol* 67(2):113-116 .

⁵³ Iavicoli I, Calabrese EJ, & Nascarella MA (2010) Exposure to nanoparticles and
hormesis. *Dose Response* 8(4):501-517.

1 tends to produce a benefit in somewhere between 70 and 90 percent of the
2 people.^{54,55}

3 10. The products involved in this case include Calms Forté, Teething
4 Tablets, Migraine Headache Relief, ClearAc, Poison Ivy/Oak Tablets, Colic
5 Tablets, DEFEND Cold & Cough, DEFEND Cold & Cough Night, Hyland's
6 Cough, Seasonal Allergy Relief, and Leg Cramps PM. Each of these products
7 contains different ingredients, as discussed in more detail below, including the
8 dilution of each ingredient. The dilutions range from 1X to 12X, all of which result
9 in measurable amounts of each ingredient in each product. Contrary to the
10 assertion in plaintiff's motion that the dilutions result in "very little, if any, of the
11 advertised 'active ingredients' are present in the Products," the dilutions of each of
12 the triturated and/or succussed ingredients in the products at issue in this case are
13 sufficient to provide the relief of symptoms for which they are indicated.

14 11. **Hyland's Calms Forté** provides temporary symptomatic relief of
15 simple nervous tension and sleeplessness. The active ingredients and their
16 indications are:

17 (a) Passiflora 1X Triple Strength - for restless or wakeful sleep from
18 exhaustion

19 (b) Avena Sativa 1X Double Strength - for stress, nervousness or nervous
20 headache

21 (c) Humulus Lupulus 1X Double Strength - for drowsiness with
22 incomplete sleep
23

24 ⁵⁴ Haidvogel M, Riley DS, Heger M, Brien S, Jong M, Fischer M, Lewith GT,
25 Jansen G, Thurneysen AE. (2007) Homeopathic and conventional treatment for
26 acute respiratory and ear complaints: a comparative study on outcome in the
primary care setting. *BMC Complement Altern Med.* 2(7):7.

27 ⁵⁵ Rossi E, Endrizzi C, Panozzo MA, Bianchi A, & Da Fre M (2009) Homeopathy
28 in the public health system: a seven-year observational study at Lucca Hospital
(Italy). *Homeopathy* 98(3):142-148.

1 (d) Chamomilla 2X (Chamomile) - for nervous irritability

2 (e) Biochemic phosphates for enhancing cellular function: Calcarea
3 Phosphorica 3X HPUS, Ferrum Phosphoricum 3X HPUS, Kali Phosphoricum 3X
4 HPUS, Natrum Phosphoricum 3X HPUS, Magnesia Phosphoricum 3X HPUS

5 12. **Hyland's Teething Tablets** temporarily relieve the symptoms of
6 simple restlessness and wakeful irritability due to cutting teeth, and helps reduce
7 redness and inflammation of gums. The active ingredients and their indications are:

8 (a) Calcarea Phosphorica 6X HPUS: teething, dentition

9 (b) Chamomilla 6X HPUS: irritability

10 (c) Coffea Cruda 6X HPUS: sleeplessness

11 (d) Belladonna 12X HPUS: redness and inflammation

12 13. **Hyland's Migraine Headache Relief** provides relief from the
13 symptoms of migraine headaches. The active ingredients and their indications are:

14 (a) Glonoinum 12X HPUS

15 (b) Belladonna 6X HPUS

16 (c) Gelsemium 6X HPUS

17 (d) Nux Vomica 6X HPUS

18 (e) Iris Versicolor 6X HPUS

19 (f) Sanguinaria Canadensis 6X HPUS

20 14. **Hyland's ClearAc Tablets** are indicated for the management and
21 symptomatic relief of symptoms of pimples, blackheads and blemishes associated
22 with common acne. The active ingredients and their indications are:

23 (a) Echinacea Ang. 6X HPUS - for recurring outbreaks, boil-like and
24 swollen eruptions

25 (b) Berberis Vulg. 6X HPUS - for small pustules, eczematous
26 inflammation

1 (c) Sulphur Iod 6X HPUS - for unhealthy skin, pimply eruptions with
2 itching

3 (d) Hepar Sulph 6X HPUS - for acne eruptions that tend to head up an
4 form pustules

5 15. **Hyland's Baby Colic Tablets** temporarily relieve the symptoms of
6 colic and gas pains caused by irritating food, feeding too quickly, swallowing air
7 and similar conditions during teething, colds and other minor upset periods in
8 children. The active ingredients and their indications are:

9 (a) Dioscorea 3X HPUS: colic pains better from motion

10 (b) Chamomilla 3X HPUS: restlessness & irritability

11 (c) Colocynthis 3X HPUS: abdominal pain caused by gas

12 **Hyland's Poison Ivy / Oak Tablets** relieve symptoms after contact with
13 poison ivy or oak. The active ingredients and their indications are:

14 (d) Rhus Toxicodendron 6X HPUS - for red, swollen eruptions with
15 intense itching.

16 (e) Croton Tiglium 6X HPUS - for extremely itching eruptions that may
17 ooze, scratching is painful.

18 (f) Xerophyllum 6X HPUS - for itching, stinging and burning
19 inflammations.

20 16. **Hyland's DEFEND Cold & Cough** temporarily relieves the
21 symptoms of the common cold. The active ingredients and their indications are:

22 (a) Allium Cepa 6X HPUS - Watery runny nose, cold, hacking cough,
23 painful throat

24 (b) Hepar Sulph Calc 12X HPUS - Cold, sneezing

25 (c) Hydrastis 6X HPUS - Rattling or tickling cough, sinus congestion,
26 dry/raw/sore throat

27 (d) Natrum Muriaticum 6X HPUS - Dry cough, sore throat
28

1 (e) Phosphorus 12X HPUS - Hoarse/dry cough, nasal congestion, chest
2 congestion

3 (f) Pulsatilla 6X HPUS - Moist cough, cold, nasal congestion

4 (g) Sulphur 12X HPUS - Chest congestion, nasal congestion, sneezing,
5 runny nose

6 17. **Hyland's DEFEND Cold & Cough Night** temporarily relieves the
7 symptoms of the common cold including: cough, runny nose, sneezing, nasal and
8 chest congestion, sore throat, and accompanying sleeplessness. The active
9 ingredients and their indications are:

10 (a) Allium Cepa 6X HPUS - relieves watery runny nose, cold, hacking
11 cough, painful throat

12 (b) Coffea Cruda 6X HPUS - relieves sleeplessness, restlessness

13 (c) Chamomilla 6X HPUS - relieves sensitive, irritable, fussy, nocturnal
14 sleeplessness

15 (d) Hepar Sulph Calc 12X HPUS - relieves cold, sneezing

16 (e) Hydrastis 6X HPUS - relieves rattling or tickling cough, sinus
17 congestion, dry/raw/sore throat

18 (f) Natrum Muriaticum 6X HPUS - relieves dry cough, sore throat

19 (g) Nux Vomica 6X HPUS - relieves tired, difficulty falling asleep,
20 frequent waking

21 (h) Phosphorus 12X HPUS - relieves hoarse/dry cough, nasal congestion,
22 chest congestion

23 (i) Pulsatilla 6X HPUS - relieves moist cough, cold, nasal congestion

24 (j) Sulphur 12X HPUS - relieves chest congestion, nasal congestion,
25 sneezing, runny nose

26 18. **Hyland's Cough** relieves symptoms of cough due to colds. The active
27 ingredients and their indications are:
28

1 (a) Bryonia 3X HPUS – for dry, hacking cough from irritation in upper
2 trachea

3 (b) Causticum 3X HPUS – for cough with raw soreness of chest and
4 sensation of mucous under sternum

5 (c) Hepar Sulph Calc. 3X HPUS – for a choking cough with rattling and
6 croaking; feeling of splinter in throat

7 (d) Antimonium Tartaricum 6X HPUS – helps in raising mucous and
8 moist coughs

9 19. **Hyland's Seasonal Allergy Relief** relieves common allergy symptoms
10 including watery eyes, runny nose, stuffy nose, sneezing, itchy eyes/nose/roof of
11 mouth, pressure in the nose and cheeks, ear fullness / popping, dark circles under
12 the eyes and hives. The active ingredients and their indications are:

13 (a) Allium Cepa 6X HPUS for runny nose, eyes, sneezing

14 (b) Natrum Muriaticum 6X HPUS runny nose, sneezing

15 (c) Histaminum Hydrochloricum 12X HPUS sinus pain, sore throat

16 (d) Luffa Operculata 12X HPUS sinus pain, headache

17 (e) Galphimia Glauca 12X HPUS runny nose & eyes

18 (f) Nux Vomica 6X HPUS runny nose, in a base of Lactose (milk sugar),

19 N.F.

20 20. **Hyland's Leg Cramps PM** relieves pain and cramps in lower body,
21 legs, feet and toes with accompanying nighttime sleeplessness. The active
22 ingredients and their indications are:

23 (a) Calcarea Carbonica 12X HPUS - cramps in legs, calves, feet and toes

24 (b) Causticum 12X HPUS - nocturnal sleeplessness

25 (c) Chamomilla 6X HPUS - cramps and pain in bed at night

26 (d) Cinchona Officinalis 3X HPUS - disturbed sleep, pain in limbs at
27 night
28

1 (e) Cuprum Metallicum 12X HPUS - cramps of limbs, charley horse
2 cramps

3 (f) Lycopodium 12X HPUS - disturbed, restless sleep; cramps and
4 contraction of limbs

5 (g) Magnesia Phosphorica 6X HPUS - wakeful and sleepless, cramps in
6 legs

7 (h) Rhus Toxicodendron 6X HPUS - charley horse cramps in thighs &
8 calves at night

9 (i) Silicea 12X HPUS - not being able to sleep again after waking

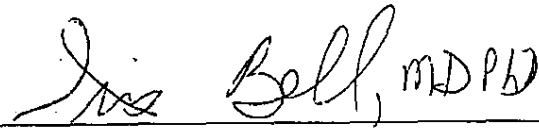
10 (j) Sulphur 6X HPUS - sleeplessness, frequent waking during night

11 21. It would be improper to claim that all of the above homeopathic
12 remedies provide no relief from the symptoms for which they are indicated simply
13 because of the dilution of the ingredients in the product. In fact, Oscilloccinum,⁵⁶
14 a homeopathic remedy which two of the plaintiffs in this case claimed to be
15 effective, is diluted and succussed to 200C, or 200 dilutions of 1:100, orders of
16 magnitude more dilution than any of the ingredients in the products in this case. In
17 order to determine that a particular homeopathic remedy does not provide a benefit,
18 as claimed by plaintiffs, one would need to perform a study of the active ingredients
19 in that remedy to determine whether they were not effective in reducing the
20 symptoms. The use of the ingredients in the Hyland's products in the present case
21 to treat symptoms for which they are indicated is supported by scientific evidence
22 in the conventional research literature and/or the peer-reviewed homeopathic
23 research literature, the homeopathic Materia Medica texts, as well as extensive
24 clinical experience that began over 200 years ago. Each ingredient in these products
25 is a homeopathic medicine whose preparation is standardized in the Homeopathic
26

27 ⁵⁶ Vickers AJ & Smith C (2006) Homoeopathic Oscilloccinum for preventing and
28 treating influenza and influenza-like syndromes. *Cochrane Database Syst Rev*
3:CD001957 .

1 Pharmacopoeia of the United States and currently prescribed by practicing
2 homeopaths. This does not mean that each patient will achieve relief, as no drug is
3 100% effective in providing relief.

4 I declare under penalty of perjury of the laws of the United States and the
5 State of California that the foregoing is true and correct. Executed this 13th day of
6 June, 2012, at Tucson, Arizona.

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9 Iris Bell, M.D., Ph.D.
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