



THE HEART FOUNDATION OF JAMAICA



Founded in 1971 by the Lions Club of Kingston

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STATEMENT FROM THE HEART FOUNDATION OF JAMAICA

May 1st, 2018

On Tuesday May 1st, the lawsuit filed against the Heart Foundation of Jamaica (HFJ) by Wisynco Group Limited ("Wisynco") was voluntarily withdrawn. The HFJ is pleased that Wisynco has taken this step.

However, in order to correct some inaccuracies being circulated and for clarity, we would like to state the following:

[1] Wisynco's complaint was not in relation to the entire campaign but to one Instagram post that appeared on the 28th of February 2018. At no time did they make a challenge to the campaign as a whole.

[2] The Instagram post did contain 1 reference to 'Cran Wata'.

[3] The Instagram post was removed on the 1st March 2018 by the HFJ on its own volition - less than 24 hours later. The HFJ was served with the lawsuit on April 23rd, 2018.

[4] The Heart Foundation filed a defence to the claim, in that defence the Heart Foundation among other things said;

- a. that the words and image in the post were not defamatory of Wisynco or any of its products.
- b. that the words and images in the post did not in fact refer to Wisynco.
- c. that the post was true in substance.
- d. that the post represented fair comment on a matter of public interest namely the contribution of sugary sweetened beverages ('SSBs') to obesity/overweight in Jamaica with the consequent deleterious effect on health.

[5] Heart Foundation filed 2 Affidavits in opposition to the application for injunction and instructed its attorneys to resist any application for an injunction.

[6] It was Wisynco's decision not to pursue the application for an injunction and to discontinue the action against the Heart Foundation. There was no prior agreement between Wisynco and the Heart Foundation under which the action was discontinued. In fact the Heart Foundation's attorney attended court today fully expecting to present arguments in opposition to the application for an injunction.

[7] Costs were ordered in favour of the Heart Foundation. Wisynco having discontinued the claim would be liable to pay the Heart Foundation's cost under the Rules of the Supreme Court.

[8] The Heart Foundation maintains that at no time did it defame or otherwise disparage Wisynco or any of its products and if given the opportunity expected to demonstrate this to a judge of the Supreme Court.

Given the rising rates of non-communicable diseases ('NCDs') and obesity in Jamaica, the Heart Foundation last November, launched a public health awareness campaign, along with the Ministry of Health/Jamaica Moves. The objective of this campaign is to raise awareness about the dangers of consuming excessive sugar from sugary sweetened beverages (SSB's) which can lead to obesity. In Jamaica SSB's are the main contributor to sugar intake. The campaign informs the public about the levels of sugar present in SSB's. Consuming excess sugar increases the risk of diabetes, liver and kidney damage, heart disease, and some cancers.

Unlike fruits, and other complex carbohydrate-containing foods, sugary drinks are non-essential foods with little or no nutritional value. Sugary drinks are particularly harmful to the body as sugar in liquid form is absorbed more quickly by the liver than the liver might be able to process and release, the excess becoming stored as fat or glycogen deposits in the liver. This can lead to fatty liver disease and increased risks for diabetes and other NCDs. SSB's do not satisfy hunger, are widely available and relatively inexpensive. Drinking SSBs can therefore lead to excess calories which contributes to weight gain and obesity.

Leading health organizations like World Health Organization have warned about the growing obesity epidemic and proposed solutions to address this problem, including cutting back on sugar consumption. For this reason, Heart Foundation joined many health and consumer organizations worldwide to deliver this important message to consumers in their countries.

We are encouraged by recent announcements from some private sector companies that they have, or are working on, reducing the sugar levels in their products. This is a positive development and we hope that other companies will consider this measure in the interest of public health.