



grapevine pr + consulting

Steven Le Vine

8033 Sunset Blvd, Suite 831

Los Angeles, CA 90046

(323) 386-2300, x1

steven.levine@theprgrapevine.com

Natural Astaxanthin Suppliers Resolve Lawsuit

AstaReal, Inc. v. Algae Health Sciences, Inc., et al.

U.S. Dist. Court, C.D. Cal., Civil Action No.: 8:16-cv-01664

FOR IMMEDIATE RELEASE:

(BURLINGTON, N. J.) – SEPT. 18, 2017 – Plaintiff AstaReal, Inc. (“AstaReal”) and all defendants, including Algae Health Sciences, Inc., BGG North America, Inc. and Jinke Group USA, Inc. (“Defendants”) are pleased to report that the lawsuit commenced by AstaReal against Defendants in the U.S. District Court for the Central District of California under civil action number 8:16-cv-01664 (“the Action”) has been amicably resolved.

In the Action, AstaReal alleged that Defendants engaged in willful false and/or misleading advertising, unfair competition, copyright infringement and other relief arising under federal and state laws. Defendants have denied any wrongdoing and, as part of the amicable resolution of this matter, have taken steps to address some of the issues raised by AstaReal in the Action. The list of disputed issues raised by AstaReal include:

- Referring to 239 structure/function claims concerning Defendants’ ASTAZINE® product as being “allowed” by the U.S. Food and Drug Administration (“FDA”);
- referring to their submission to FDA of structure/function claims as a “landmark achievement;”
- potentially leading readers to believe on their website that approximately 556 medical abstracts (hundreds of studies conducted on astaxanthin) were commissioned by Defendants and that such abstracts regarded Defendants’ ASTAZINE® product;
- suggesting copyright ownership on the first page of the list of the 556 medical abstracts that may lead readers to believe that the studies were commissioned by Defendants;
- potentially leading readers to believe in a “whitepaper” published by Defendants that Defendants’ ASTAZINE® product is supported by approximately 50 scientific studies listed when certain of those studies were conducted on AstaReal’s natural astaxanthin product, ASTAREAL®; and,
- including at least one chart that includes information that derives from and looks substantially similar to a figure included in a study that was commissioned by the makers of ASTAREAL®.

The parties are happy to have resolved this matter.

For more information, contact the following parties:

Arun Nair, President & CEO
AstaReal, Inc.
Tel: 425-777-9873
anair@astarealusa.com

Bob Capelli
Algae Health Sciences, Inc.
Tel: 808-345-7711
bob@algaehealthsciences.com

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