

TJ McIntyre
What Do They Know
request-174952-de7fcadb@whatdotheyknow.com

Our ref: FOI 310813

27 September 2013

#### Dear TJ McIntyre

I am writing on behalf of the Royal Botanic Gardens, Kew ("RBG Kew") in response to your request for information dated 31 August 2013.

#### Your request

"I understand from a recent Irish newspaper article entitled "Wave goodbye to global warming, GM and pesticides - Radio wave-treated water could change agriculture as we know it" that the Royal Botanic Gardens endorsed a product by the name of Vi-Aqua.[1]

I also see on the Vi-Aqua website today the statement: "Spectacular results have been achieved with the installation of Vi-Aqua on our Reverse Osmosis System. Most of our rare species of Orchid have responded outstandingly, and in a way not witnessed before at RBG Kew" which is attributed to Phil Griffiths of your institute.[2]

I also understand from your Twitter account that: "Kew has not endorsed these products since 2006. The article in the Irish Independent was inaccurate."[3]

I would be obliged if you could now provide the following information:

- 1. Why was this product endorsed by you?
- 2. Was any fee payable to you in connection with this endorsement? If so, how much?
- 3. What steps did you take to verify the claims made in connection with this product prior to its endorsement?
- 4. Why did this endorsement come to an end in 2006?
- 5. Do you stand over the claim attributed to Phil Griffiths?

In addition, I would be obliged if you would provide the following documents:

- 6. All documents held by you in relation to this endorsement.
- 7. The licensing agreement.
- 8. Any correspondence received by you from third parties regarding Vi-Aqua.

I understand that the documents for 6, 7 and 8 may take more time to put together so I would be obliged if you would reply regarding 1-5 as soon as you have that information rather than waiting for the remainder.



- [1] http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-pesticides-29525621.html
- [2] http://viaqua.ie/
- [3] https://twitter.com/kewgardens/status/373042059575566336"

#### Our response

Taking each of your questions in turn:

### 1. Why was this product endorsed by you?

In 2003, Vi-Aqua was recommended to RBG Kew's horticulture team by a third party supplier on the basis that the product might be an effective way to treat hardness in water. At the time, RBG Kew was actively searching for a new system to address this issue. RBG Kew agreed to trial the Vi-Aqua system, while continuing to search for and trial alternative methods of treating hardness in water. Vi-Aqua was not the only method trialled. The terms of the agreement regarding Vi-Aqua are set out in the attached licensing agreement, in particular clause 10.

# 2. Was any fee payable to you in connection with this endorsement? If so, how much? No fee was payable.

# 3. What steps did you take to verify the claims made in connection with this product prior to its endorsement?

We did not take steps to verify any claims prior to the product's endorsement. We agreed to use the product on a trial basis.

### 4. Why did this endorsement come to an end in 2006?

RBG Kew began a trial of the Vi-Aqua system in 2003 under a 3 year agreement which was renewed in 2006. RBG Kew continued to trial other water treatment systems throughout the term of the agreement. Through day-to-day use, RBG Kew found that a water treatment system using reverse osmosis was more effective at treating the water than the Vi-Aqua system. RBG Kew stopped using the Vi-Aqua equipment as a result of this finding. The endorsement ended at the end of the three year term.

#### 5. Do you stand over the claim attributed to Phil Griffiths?

Phil Griffiths did not make the statement attributed to him on Vi-Aqua's website.

#### 6. All documents held by you in relation to this endorsement.

The only document we hold is the licensing agreement itself.

#### 7. The licensing agreement.

This is attached.

#### 8. Any correspondence received by you from third parties regarding Vi-Aqua.

We have received correspondence following the publication of the article in the Irish Independent on 25 August 2013. Copies of this correspondence are attached. We have received no correspondence in relation to Vi-Aqua from third parties at any other point in time.

I hope that you are satisfied with the way in which I have dealt with your request.

However, should you not be satisfied, you are encouraged to contact the person within RBG Kew who is responsible for assessing RBG Kew's responses to information requests. This person is Ms Diane Scott, our Head of Legal. You can write to her at the Royal Botanic Gardens, Kew, Richmond, Surrey TW9 3AB, or email her at <a href="mailto:d.scott@kew.org">d.scott@kew.org</a>.

If you remain dissatisfied with the way in which RBG Kew has dealt with your request, you are entitled to ask the Information Commissioner to review our decision. You can contact the Office of the Information Commissioner at the address below.

FOI/EIR Complaints Resolution Information Commissioner's Office

Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF

Details of what you should do are available on the Information Commissioner's website: www.ico.gov.uk.

I hope that you find the information helpful. Please do not hesitate to contact me if I can be of further assistance.

Yours sincerely,



Legal Adviser

The Royal Botanic Gardens, Kew

MKFisher

#### **Enclosed**

Agreement between RBG Kew Enterprises Limited and Vi-Aqua Limited (2003-2006)
Agreement between RBG Kew Enterprises Limited and ZPM Europe Limited (2006-2009)
Correspondence received from third parties in relation to Vi-Aqua\*

\*personal data, including the names and email addresses of correspondents, has been redacted in accordance with data protection rules

Dated the 5<sup>th</sup> day of October 2006

### RBG KEW ENTERPRISES LIMITED

-and-

### Z.P.M EUROPE LIMITED

**AGREEMENT** 

AGREEMENT made this fifth day of October 2006

### BETWEEN:

- (1) KEW ENTERPRISES LIMITED Royal Botanic Gardens Kew Richmond Surrey TW9 3AB England (Kew)
- (2) ZPM EUROPE LIMITED of Innovation Works, National Technological Park, Limerick, Ireland (ZPM Europe)

Kew and ZPM Europe agree that ZPM Europe may market the Vi-Aqua Plant Growth Enhancement Technologies (THE GOODS) as Kew endorsed product on the following terms:

- 2PM Europe shall **Promote and market THE GOODS** in the retail trade in the Territory.
- The **Territory** shall be the WORLD excluding Japan
- This agreement shall be for the period of THREE YEARS
- The agreement may be terminated at ninety days notice by either party in the event of a breach of the terms of the agreement.
- 5 **KEW** shall permit the use of its name and logo, as directed, in promotional, editorial and advertising material subject to sight and approval of such material in advance.
- 6 KEW shall assist in promoting the product when appropriate.

### 7 **EXCLUSIVITY**

Kew's endorsement of The Product will be exclusive in that it will not license the use of The Royal Botanic Gardens, Kew, trademark to any company, or promote any product competing in the same market as The Product.

### 8 TRADEMARKS

- 8.1 The trademark for Royal Botanic Gardens, Kew shown in schedule 1 to this agreement remains the exclusive property of Kew.
- 8.2 Both parties agree that they will not use or reproduce the other's trademark without written permission from the owning party. Further, when using or reproducing a trademark each party will ensure that they are reproduced to the quality and specification laid out in the schedules.

### 9 CONFIDENTIALITY

- 9.1 Each party will keep confidential and will not disclose use or (so far as it is reasonably able so to procure) permit the use of the other's Confidential Information (as defined in 9.3 below) for any purpose at any time in any way except as is necessary for the proper performance of either party's obligations hereunder and then only in a way which the other party has approved in advance or in the normal course of business) or as may be required by law or other competent Authorities or in affirmation and enforcement of any of the terms hereof.
- 9.2 Each party agrees to limit the disclosure of the other's Confidential Information within its Organisation to those employees to whom such disclosure is necessary to fulfil its obligations to the other and to ensure that employees are subject to substantially similar obligations of secrecy to those set out in this clause.
- 9.3 In this clause "Confidential Information" means any marketing, technical or commercial information about either party or any of its associated companies or products wherever that information emanates from and in any form. This will include but is not limited to information about either party's past, present or contemplated business activities. Confidential Information includes compilations of otherwise public information in a form not otherwise available. Confidential Information does not include information
  - i) which at the time of disclosure is publicly available;
  - ii) which after disclosure becomes publicly available other than as a result of any breach of this Agreement.

### 10 FINANCIAL ARRANGEMENTS

ZPM Europe agree to continue to support the installations at RBG Kew currently located at the Nursery and the Princess of Wales Conservatory for the use of the mark and phrase

"Endorsed by" or "Approved by" "The Royal Botanic Gardens, Kew".

### 11 <u>TERMINATION</u>

Either party may terminate this contract for breach of the terms, giving the other written notice of ninety days.

After the end of the second year this agreement may be terminated by either side providing 12 months' notice has been given.

### 12 NOTICES

Notices under this agreement shall be effected by sending a letter via first class post to the address of the party given at the head of this agreement. In the case of Kew the letter should be addressed to Head of Licensing RBG Kew Enterprises Limited, Royal Botanic Gardens, Kew Richmond, Surrey TW9 3AB

### 13 ENGLISH LAW

This Agreement shall be governed by and construed in accordance with English Law and the parties hereby submit to the exclusive jurisdiction of the English Court.

### 15 **HEADINGS**

The headings to these are for the convenience of reference only and shall not affect construction.

### 16 WAIVER

No failure of either party to exercise or enforce any rights of this Agreement shall operate as a waiver.

Signed on behalf of RBG Kew Enterprises Ltd. Clura, Con
Date 5/10/06
Witness Date 5.10.06.
Signed on behalf of ZPN Europe Ltd.
Date. 1910/06
Witness Date to 1006
1 0

SCHEDULE ONE:

Trademark

The licensee is authorised to use the trademark in the manner described below.



As illustrated; full details of permitted sizes and positioning will be agreed with the licensor for each separate use.

### Reproduction

The Kew logo may be reproduced in monochrome (black or any other colour) but may not be printed in a tint.

The logo may be reversed out of black or any other single colour but reversing out of a tint is not permitted.

Dated the 22<sup>nd</sup> day of September 2003

## **RBG KEW ENTERPRISES LIMITED**

-and-

# VI-AQUA LIMITED

**AGREEMENT** 

AN AGREEMENT made this twenty second day of September 2003

#### BETWEEN:

- (1) RBG KEW ENTERPRISES LIMITED Royal Botanic Gardens Kew Richmond Surrey TW9 3AB England (Kew)
- (2) VI-AQUA LIMITED of Innovation Centre, National Technological Park, Limerick, Ireland (Vi-Aqua)

KEW and Vi-Aqua agree that Vi-Aqua may market Vi-Aqua Plant Growth Enhancement Technologies (THE GOODS) as Kew endorsed product on the following terms:

- Vi-Aqua shall **Promote and market THE GOODS** in the retail trade in the Territory.
- The **Territory** shall be the WORLD.
- This agreement shall be for the period of THREE YEARS
- The agreement may be terminated at ninety days notice by either party in the event of a breach of the terms of the agreement.
- 5 **KEW** shall permit the use of its name and logo, as directed, in promotional, editorial and advertising material subject to sight and approval of such material in advance.
- 6 **KEW** shall assist in promoting the product when appropriate.

### 7 **EXCLUSIVITY**

Kew's endorsement of The Product will be exclusive in that it will not license the use of The Royal Botanic Gardens, Kew, trademark to any company, or promote any product competing in the same market as The Product.

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- 8.1 The trademark for Royal Botanic Gardens, Kew shown in schedule 1 to this agreement remains the exclusive property of Kew.
- 8.2 Both parties agree that they will not use or reproduce the other's trademark without written permission from the owning party. Further, when using or reproducing a trademark each party will ensure that

they are reproduced to the quality and specification laid out in the schedules.

### 9 **CONFIDENTIALITY**

- 9.1 Each party will keep confidential and will not disclose use or (so far as it is reasonably able so to procure) permit the use of the other's Confidential Information (as defined in 9.3 below) for any purpose at any time in any way except as is necessary for the proper performance of either party's obligations hereunder and then only in a way which the other party has approved in advance or in the normal course of business) or as may be required by law or other competent Authorities or in affirmation and enforcement of any of the terms hereof.
- 9.2 Each party agrees to limit the disclosure of the other's Confidential Information within its Organisation to those employees to whom such disclosure is necessary to fulfil its obligations to the other and to ensure that employees are subject to substantially similar obligations of secrecy to those set out in this clause.
- 9.3 In this clause "Confidential Information" means any marketing, technical or commercial information about either party or any of its associated companies or products wherever that information emanates from and in any form. This will include but is not limited to information about either party's past, present or contemplated business activities. Confidential Information includes compilations of otherwise public information in a form not otherwise available. Confidential Information does not include information
  - i) which at the time of disclosure is publicly available:
  - ii) which after disclosure becomes publicly available other than as a result of any breach of this Agreement.

### 10 FINANCIAL ARRANGEMENTS

Vi-Aqua agree to continue to support the installations at RBG Kew currently located at the Nursery and the Princess of Wales Conservatory for the use of the mark and phrase

"Endorsed by" or "Approved by" "The Royal Botanic Gardens, Kew".

### 11 TERMINATION

Either party may terminate this contract for breach of the terms, giving the other written notice of ninety days.

After the end of the second year this agreement may be terminated by either side providing 12 months' notice has been given.

### 12 NOTICES

Notices under this agreement shall be effected by sending a letter via first class post to the address of the party given at the head of this agreement.

In the case of Kew the letter should be addressed to Head of Licensing RBG Kew Enterprises Limited, Royal Botanic Gardens, Kew Richmond, Surrey TW9 3AB

### 13 ENGLISH LAW

This Agreement shall be governed by and construed in accordance with English Law and the parties hereby submit to the exclusive jurisdiction of the English Court.

### 15 **HEADINGS**

The headings to these are for the convenience of reference only and shall not affect construction.

### 16 WAIVER

No failure of either party to exercise or enforce any rights of this Agreement shall operate as a waiver.

Signed on behalf of RBG Kew Enterprises Ltd.
Date 18/9/03
Witness Date 18.9.03
Signed on behalf of Vi-Aqua Limited
Date 294 Sept. 03.
Witness Date 29 109 03

SCHEDULE ONE:	Trademark
The licensee is authorised below.	to use the trademark in the manner described

As illustrated; full details of permitted sizes and positioning will be agreed with the licensor for each separate use.

### Reproduction

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1

From:				
Sent: 05 Septembe	r 2013 08:30			
To:				
Cc:				
Subject: AIR Foun	dation			

Richard Deverell

Dear Sir let me congratulate you on holding one of the most prestigious positions in the world, set in certainly the most glorious of surroundings. I have lost track of time, and was unaware of

Steve's accumulating years. We were all very proud of him advancing from Perth's King's Park Botanic Garden to the big league.

I was part of the team that compiled the descriptive catalogue that enabled the original planting of W.A's first botanic garden, way back in 1961; where Steve progressed from counting bird visitation amongst Anigozanthos manglesii (blue form) in the Bindoon cemetery to Ph.D.

I progressed by the more mundane route of the Department of Agriculture into fruit breeding etc ,the Pink Lady, of my origin, was released by others when I resigned. To advance the long overlooked robustness of Macropidia and Anigozanthos in long distance freight haul to the premium markets of Europe and North America. Tissue Culture offered an expanded colour range, and the vital commercial numbers for market impact.

Flora Technics was floated in 1980 and concentrated on the North American market; at a show displaying our material to 3,000 florists at an annual convention. We brought the house down when the spot lit ----Macropidia fulignosa----was presented; no one could believe a black flower. Talk of patenting the name "Venetian Velvet". I showed at the 1982 Chelsea Flower Show and my friend told me if you had nominated for the award you would have taken the Society Gold medal; asked by Prince Charles to bring my innovative ideas to England. Spent some 9 year in Saudi Arabia and alerted them to a serious Virus disease in cucumbers ex Dutch seed produced in North Africa; a new virus first reported in beans 1982 now making its appearance in cucumbers in KSA 1986.

Now operating in India, with diverse plant interests in association with an equally diverse mineral exploration company which covers some 17 states and some 100 requested mine sites, encompassing a Latitude spread 8-30 N along with all the soil and climatic niches imaginable. For example the predominately southern hemisphere Genus; Proteaceae with it member-- Macadamia intigrifolia-- normally occurring in lower Queensland. Yet we have a single tree thriving and producing large nuts, so

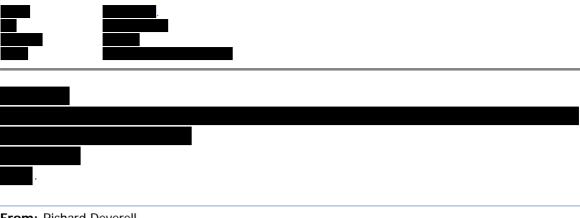
much for cross pollination. The nuts have giving rise to a fledging plantation on the Glenburn Tea Estate at Darjeeling; very much centre of the Raj in by gone days. Now being usurped by a colonial. The original tree stand's on the banks of the Rangeet river some 1000m above sea level. The growth/yield encountered in Indian trials far exceed Australian experience. In the next few weeks we expect to announce tying up with an Australian Macadamia processor and a significant Indian nut processor.

Our-web site --www.airfoundation.org.ind ---is a far better introduction than any more from me.

We have some very interesting plant and fungi species of possible commercial interest that in the fullness of time may require joint exchanges. And would appreciate being updated and put in contact with anything that accelerates mine rehabilitation

But what drew my attention was you highly favorable support via a most dramatic revival via the Limerick University and their super charged water. And wonder if you have any thing in the way of literature to add to the general publicity release; especially the nitrate levels. As here in India over use of urea has made many wells unsafe for both human and livestock due to excess nitrates. Sadly India is handicapped by a gross malaise: - too hard, too far away, no money, no electricity etc, etc. This will only be turned around by the mining community working at the grassroots; we are fortunately part of this transformation amongst the long ignored tribals in the Orissia iron belt. Where Boron is one of the vital elements missing in the highly eroded laterite soils of the region. As you know Boron is non ionic and is assumed to be a bulk flow transpiration uptake; here is where the IRISH super water would be useful on a massive scale as India has some 25 million hectares.

Yours Sincerely



From: Richard Deverell

Sent: 06 September 2013 11:48

To: Cc:

Subject: AIR

Dear

Thank for your email, which I read with interest. Steve Hopper is now Winthrop Professor of Biodiversity at the University of Western Australia and given your link with Macropidia and Anigozanthos you may be interested to hear that he and a colleague here at Kew are about to publish a full phylogeny of these genera, and a monograph of the entire family Haemodoraceae is also in preparation.

I was interested to hear of your work in India, but unfortunately the link to the AIR Foundation website did not work.

In relation to your query regarding Vi-Aqua, I'm afraid that the Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2006. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate and Vi-Aqua equipment is no longer used at Kew.

I wish you well with your work.

Kind regards,

Richard Deverell.

Director Royal Botanic Gardens, Kew

The Royal Botanic Gardens, Kew is a non-departmental public body with exempt charitable status, whose principal place of business is at Royal Botanic Gardens, Kew, Richmond, Surrey TW9 3AB, United Kingdom.

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From:

**Sent:** 03 September 2013 15:53

To: Tarryn Barrowman

Subject: RE: Kew Gardens - Vi-Aqua

thought so! many thanks.

From: Tarryn Barrowman

**Sent:** 03 September 2013 15:49

To:

Subject: Kew Gardens - Vi-Aqua



Following up on Bronwyn's email, we have had quite a few queries about this subject, this past week.

Please see below statement and let us know if you need anything further.

'The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.'

Kind regards,

Tarryn

Tarryn Barrowman Kew Press Office Royal Botanic Gardens, Kew Richmond, Surrey TW9 3AB



Website: www.kew.org

business is at Royal Botanic Gardens, Kew, Richmond, Surrey TW9 3AB, United Kingdom.

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From:

**Sent:** 27 August 2013 14:55

To: #DL PR

Subject: Kew Gardens endorses Professor Austin Darragh's Vi-Aqua invention

Please confirm.

 $\underline{http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-pesticides-29525621.html}$ 

http://www.viaqua.ie/





From:

Sent: 29 August 2013 14:51 To: Tarryn Barrowman Subject: Re: Kew Gardens

Absolutely, I'll correct that now.

Thanks,



On Thu, Aug 29, 2013 at 2:46 PM, Tarryn Barrowman

wrote:

Hi

Please can we make a correction to the below statement. Kew has not endorsed Vi-Aqua products since 2009.

Best wishes, Tarryn

Tarryn Barrowman **Kew Press Office** 

From: [mailto:

Sent: 29 August 2013 14:46 To: Tarryn Barrowman Subject: Re: Kew Gardens

Dear Tarryn,

Thanks for your reply.

Yours,



Thank-you for your phone call yesterday.

Please see below information.

'The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2006. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.'

Kind regards, Tarryn

Tarryn Barrowman Kew Press Office Royal Botanic Gardens, Kew Richmond, Surrey TW9 3AB



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-----Original Message-----From: Bronwyn Friedlander Sent: 04 September 2013 09:55

To:

Cc: #DL PR; Philip Griffiths

Subject: RE: Phil Griffiths re: vi aqua

Dear

Phil Griffiths is out of the office this week, so I am responding on his behalf.

The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Content on the Vi-aqua site, including the testimonial, is also not accurate.

Best wishes,

Bronwyn

Bronwyn Friedlander PR Manager

-----Original Message-----

From:

Sent: 03 September 2013 22:02

To: #DL PR

Subject: att: Phil Griffiths re: vi aqua

Dear Phil

Your testimonial for the product sold as Vi-Aqua is shown on their website. I am interested to know how genuine this is. Has Kew seen impressive improvements after the introduction of this technology?

I am an organic grower and am always interested to hear of ways of improving crop growth and health.

I look forward to your reply

best regards

Director/grower at Hankham Organics Ltd <a href="http://www.hankhamorganics.co.uk">http://www.hankhamorganics.co.uk</a> Membership secretary and website coordinator for The Organic Growers Alliance <a href="http://www.organicgrowersalliance.co.uk">http://www.organicgrowersalliance.co.uk</a>





From:

**Sent:** 29 August 2013 12:34

To: Tarryn Barrowman

Subject: Re: RBG Kew Endorsement of Vi-Aqua

Many thanks for the prompt reply. Kew is such a marvelous institution, wouldn't like to see its reputation being improperly commercially used.

Best regards,



On Thu, Aug 29, 2013 at 2:20 PM, Tarryn Barrowman <

> wrote:

Thank-you for your email.

The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2006. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards, Tarryn

Tarryn Barrowman Kew Press Office

From:

**Sent:** 29 August 2013 05:37

To: #DL PR

Subject: RBG Kew Endorsement of Vi-Aqua

Dear Sir/Madame,

It is reported that RBG endorses the radio-wave water technology of the company Vi-Aqua (<a href="http://www.viaqua.ie">http://www.viaqua.ie</a>). As well as representations on the company website (see attached image), the company has attracted extensive media coverage (<a href="http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-double-warming-

pesticides-29525621.html)

Could you confirm that you endorse their technology?

Many thanks,

Inline image 1



From: <u>Katrina Roche</u>

To:

Subject: RE: Irish Independent Vi-Aqua article

**Date:** 04 September 2013 14:36:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 31 August. Vi-Aqua did not contact Kew about renewing their licence, new equipment was purchased and the Vi-Aqua equipment is no longer used.

### Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

sign logo



From:

**Sent:** 31 August 2013 10:15

To: Info

Subject: Irish Independent Vi-Aqua article

Hi,

An article on the Independent.ie website says that Kew Gardens endorses Professor Darragh's Vi-Aqua devices:

http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-pesticides-29525621.html

I gather from some of the tweets from the Kew Gardens Twitter account that the article is inaccurate and that Kew ceased to endorse the products in 2006.

Can you explain why Kew ceased to endorse Vi-Aqua products in 2006, and say what the basis was for endorsing them up to that point please?

Regards,

From: <u>Katrina Roche</u>

To:

Subject: RE: Possible misuse of Kew Gardens name

**Date:** 29 August 2013 18:03:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 28 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

#### Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

sign logo



From: Sent: 28 August 2013 12:40

To: Info

Subject: Possible misuse of Kew Gardens name

I thought you might be interested to hear that a commercial company, <u>Vi-Aqua Water Energising Technology</u> is claiming they have 15 years of research collaboration with the Royal Botanical Gardens, Kew, in their promotional material.

As their product involves <u>'activating' or 'charging' water using radio waves</u>, which smacks of pseudoscience, I would not have expected Kew to wish to be connected with the enterprise, nor permit their name to be associated with it.

Please forward this to the appropriate department (legal?).

Regards,

To:

From: <u>Katrina Roche</u>

Subject: RE: question about vi-aqua

Date: 29 August 2013 18:00:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 29 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

#### Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

sign logo



From:

**Sent:** 29 August 2013 02:49

To: Info

Subject: question about vi-aqua

#### Hello,

I was reading an article about a product called vi-aqua which produces radio wave energised water. The link is here:

 $\frac{http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-pesticides-29525621.html}{}$ 

The article mentiones that Kew gardens has granted them the right to use your official coat of arms and that you used this product to restore a rare orchid that has been practically dead since 1942.

Is this true? I couldn't find anything on your website or in the news confirming this.

thanks,

To:

From: <u>Katrina Roche</u>

Subject: RE: RE:Professor Austin Darragh
Date: 29 August 2013 17:59:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 28 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

#### Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From: Sent: 28 August 2013 17:31

To: Info

Subject: RE:Professor Austin Darragh

Greetings! I read an article regarding *Professor Austin Darragh and his research regarding energized water and plant growth. The article stated that* "The Kew Gardens botanists were not just impressed with the research; they used the technology to restore to life a very rare orchid which had been lying dormant and practically dead in a greenhouse bell jar since 1942. Amazingly, the orchid is now flourishing once again."

I would like to share this amazing news, but first I wanted to make sure that the information was accurate. Could you confirm for me, please? Thank you for your kind attention.

nature Lover

From: <u>Katrina Roche</u>

To:

Subject: RE: Snake oil for plants - Kew Gardens" reputation invoked in press media

**Date:** 29 August 2013 18:04:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 28 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

#### Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From: Sent: 28 August 2013 10:36

To: Info

Subject: Snake oil for plants - Kew Gardens' reputation invoked in press media

Hi,

I just wanted to make you aware of this story that has just been published by one of our national newspapers:

http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-pesticides-29525621.html

Towards the end of the article it is claimed the Royal Botanical Gardens use and approve of this device - I would be very surprised if this were true.

Regards,

To:

From: Info

Subject: RE: Supposed

Date: 02 September 2013 14:56:00

Attachments: image001.gif

Dear

Thank you for your email dated 31 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

### Kind regards

#### Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From:

Sent: 31 August 2013 17:41

To: Info

Subject: Supposed

To whom it may concern,

Would you be so kind as to let me know if the claims in the attached photographs are true?

Thank you,

Yours sincerely,

\_\_

http://www.fastmail.fm - Does exactly what it says on the tin

From: Info

Subject: RE: Supposed

**Date:** 04 September 2013 15:03:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email and your concern. We appreciate your kind comments about Kew Gardens which is indeed a very special place.

Best wishes

#### Katrina Roche

Customer Information Supervisor Visitor Services
Public Engagement & Learning

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From:

Sent: 03 September 2013 07:38

To: Info

Subject: Re: Supposed

Dear Ms. Roche,

Thank you for your prompt reply.

The article you mentioned has actually prompted a few inquiries. I was simply concerned that the good name of Kew Gardens, through which I happily wondered as a child for many years, might be being used in an attempt to boost the flagging finances of Vi-Aqua, despite having no authority (any longer) to do so.

I now live in Japan, which, as I'm sure you are aware, has wonderful gardens, especially in Kyoto, but for me Kew still RULES! :-)
Best wishes to yourself, all the staff and a warm thank you to the gardeners at Kew, from Japan,

Your faithfully,



On Mon, Sep 2, 2013, at 10:56 PM, Info wrote:

Dear

Thank you for your email dated 31 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards

#### **Katrina Roche**

**Customer Information Supervisor** 

Visitor Services

Public Engagement & Learning

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From: Sent: 31 August 2013 17:41

To: Info

Subject: Supposed

To whom it may concern,

Would you be so kind as to let me know if the claims in the attached photographs are true?

Thank you, Yours sincerely, --

http://www.fastmail.fm - Does exactly what it says on the tin

# Email had 1 attachment:

• image001.gif
3k (image/gif)

From: Katrina Roche

To:

Subject: RE: Technology of radio wave energised water by Professor Austin Darragh and Dr JJ Leahy

Date: 29 August 2013 17:58:00

Attachments: image001.gif



Thank you for your email dated 29 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

#### Kind regards

#### Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From:

Sent: 29 August 2013 13:41

To: Info

Subject: Technology of radio wave energised water by Professor Austin Darragh and Dr JJ Leahy

#### Good day reader,

a short question because there is so much mis-information to be found that one sometimes has to do once own research to come to the truth..

I have been reading that KEW uses the technology of radio wave energised water developed by Professor Austin Darragh and Dr JJ Leahy of Limerick University's Department of Chemistry and Environmental Science, and is raving about it's results in their gardens..?! Is this true..?

Thanks. kind regards, www.misscosmic.com

From: <u>Katrina Roche</u>

To: "\_

Subject: RE: Vi Aqua Project with Kew Gardens
Date: 18 September 2013 10:17:00

Attachments: <u>image001.gif</u>

Dear

The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards

#### Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From:

Sent: 18 September 2013 08:57

To: Info

Subject: Vi Aqua Project with Kew Gardens

Hi

Please could you advise if these claims are true as we would like to purchase a unit.

# Royal botanic gardens Kew approves Vi~Aqua

Vi~Aqua has successfully won approval for it's Plant Growth Enhancement Technologies from the Royal Botanic Gardens Kew. Both parties have been engaged in research programs for the last three years in which significant findings were made particularly in rare species of botanicals.

RGB Kew have granted exclusive permission to Vi~Aqua the use of The Royal Botanic Gardens trademark in the promotion of its products highlighting the immense scientific importance of the technology to horticulture at this level.

http://tredispace.com/viaqua/index.php/en/testimonials

Regards,



From: Info

To:
Subject: RE: Vi Aqua

Date: 02 September 2013 13:31:00

Attachments: image001.gif

Dear

Thank you for your email dated 30 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

# Kind regards

# Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From:

Sent: 30 August 2013 22:01

To: Info

Subject: Vi Aqua

hi i was interested to know if you still use vi aqua products and if they are effective, i understand that since 2009 kew gardens has no longer endorsed vi aqua but did the products work and do you still use them.

Thank you for any help you can give me.

From: Info

Subject: RE: Vi~Aqua questions.

Date: 29 August 2013 18:09:00

Dear

Thank you for your email dated 29 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards

Katrina Roche Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

-----Original Message-----

From:

Sent: 29 August 2013 17:51

To: Info

Subject: Vi~Aqua questions.

Hello,

I am a second year Horticulture with Plantsmanship student at the Royal Botanic Garden Edinburgh. I have discovered a product online called Vi~Aqua, an electronic device which is claims to "facilitates the metabolism of organisms favoring the absorption of nutrients and the chemical interactions that normally occur in nature." (found -

http://tredispace.com/viaqua/index.php/en/)

The website also claims the product has been tested at Kew and is fully endorsed by Kew. A testimonial can be found at <a href="http://tredispace.com/viaqua/index.php/en/testimonials">http://tredispace.com/viaqua/index.php/en/testimonials</a>.

There are a lot of claims on the website, but little to no data to support any of the claims. I was hoping that someone from Kew could confirm the endorsement, as it is not mentioned on the Kew website, and provide more information about any trials carried out by Kew in relation to the Vi~Aqua.

Thank you,

**RBGE** 

--

The Royal Botanic Garden Edinburgh is a Charity registered in Scotland (No SC007983)

From: Info

Subject: RE: vi-aqua

**Date:** 02 September 2013 15:42:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email which I have passed to Kew's Chief Information Officer. Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

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From: Sent: 01 September 2013 11:59

To: Info

Subject: vi-aqua

Hi,

I understand that a TJ McIntyre has sent you the following request, I'd be grateful if I could also be copied on the response please,

Many Thanks,

Dear Royal Botanic Gardens, Kew,

I understand from a recent Irish newspaper article entitled "Wave goodbye to global warming, GM and pesticides - Radio wave-treated water could change agriculture as we know it" that the Royal Botanic Gardens endorsed a product by the name of Vi-Aqua.[1]

I also see on the Vi-Aqua website today the statement: "Spectacular results have been achieved with the installation of Vi-Aqua on our Reverse Osmosis System. Most of our rare species of Orchid have responded outstandingly, and in a way not witnessed before at RBG

Kew" which is attributed to Phil Griffiths of your institute.[2]

I also understand from your Twitter account that: "Kew has not endorsed these products since 2006. The article in the Irish Independent was inaccurate."[3]

I would be obliged if you could now provide the following information:

- 1. Why was this product endorsed by you?
- 2. Was any fee payable to you in connection with this endorsement? If so, how much?
- 3. What steps did you take to verify the claims made in connection with this product prior to its endorsement?
- 4. Why did this endorsement come to an end in 2006?
- 5. Do you stand over the claim attributed to Phil Griffiths?

In addition, I would be obliged if you would provide the following documents:

- 6. All documents held by you in relation to this endorsement.
- 7. The licensing agreement.
- 8. Any correspondence received by you from third parties regarding Vi-Aqua.

I understand that the documents for 6, 7 and 8 may take more time to put together so I would be obliged if you would reply regarding 1-5 as soon as you have that information rather than waiting for the remainder.

Yours faithfully,

TJ McIntyre

[1]

http://www.independent.ie/business/irish...

- [2] http://viaqua.ie/
- [3] https://twitter.com/kewgardens/status/37...

From: Info
To:
Subject: RE: Vi-Aqua

**Date:** 03 September 2013 11:40:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 2 September. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

# Kind regards

#### Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

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From: Sontombor 2012 08:40

**Sent:** 02 September 2013 08:40 **To:** Info; #DL Email Administrators

Subject: Vi-Aqua

Dear sir or madam,

Recently I read news accounts of a device to treat water with radio waves. The company with the technology is called Vi-Aqua. In some of the news accounts, it is stated that

"In recognition of the groundbreaking technology, the Royal Botanical Gardens at Kew, London, recently took the hitherto unheard-of step of granting Professor Austin Darragh and his team the right to use their official centuries-old coat of arms on the new technology – the first time ever that Kew Gardens has afforded anyone such an honour.

The Kew Gardens botanists were not just impressed with the research; they used the technology to restore to life a very rare orchid which had been lying dormant and practically dead in a greenhouse bell jar since 1942. Amazingly, the orchid is now flourishing once again."

Are these accounts accurate?

Sincerely,

From: Info

Cc: RE: Vi-Aqua

**Date:** 05 September 2013 10:49:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 4 September passed to me . The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services
Public Engagement & Learning

www.kew.org

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From: Sent: 04 September 2013 16:23

10:

Subject: Re: Vi-Aqua

Dear ,

Here is the URL of the Website where these claims are being made.

http://tredispace.com/viaqua/index.php/en/

Have you discussed this technology or heard of it being discussed at the Royal Botanic Gardens before?

Sincerely,

On Wed, Sep 4, 2013 at 9:56 AM, @kew.org> wrote:

Can you give us details or the URL of the web page where these claims are made.

Many thanks

Kind regards

From:

Sent: 01 September 2013 16:46

To: FNC-Webeditorial Subject: Vi-Aqua

Dear sir or madam,

It has come to my attention that a company which claims to "energize" water is claiming endorsement by the Royal Botanic Gardens Kew. This company claims that there "revolutionary" technology increases agricultural yields by as much as 50%, in comparison to un-enhanced water. Is this extraordinary claim true? Do the Royal Botanic Gardens Kew endorse this product officially?

Sincerely,

From: Info

Subject: RE: Vi-Aqua Question

Date: 06 September 2013 11:05:00

Attachments: image001.gif

Dear

Thank you for your email dated 6 September. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards

#### Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From: Sent: 06 September 2013 00:46

To: Info

Subject: Vi-Aqua Question

#### Hello,

I was inquiring about a water treatment system called Vi-Aqua which treats water and apparently has been givien permission by the Kew Botanical Gardens to use their name for promotions. I was wondering if I could verify that in fact the botanical gardens truly endorse this product. I thank for very much for your time reqarding my question. Have a great day!

From: <u>Katrina Roche</u>

To:

Subject: RE: Vi-Aqua said to be endorsed by Kew

**Date:** 29 August 2013 17:56:00

Attachments: <u>image001.gif</u>

Dear

Tahnk you for your email of today's date. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

# Kind regards

# **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From:

**Sent:** 29 August 2013 16:01

To: Info

Subject: Vi-Aqua said to be endorsed by Kew

Dear Sir

I would welcome your comments on

1)on Vi-Aqua who claim on their web site and elsewhere that you have endorsed their system that energises irrigation water and increases crop yields by 30%.

2) whether you have any experience of the system which somehow involves energising water with radio waves.

From: Info

Subject: RE: Vi-aqua system

Date: 03 September 2013 11:33:00

Attachments: image001.gif

Dear

Thank you for your email dated 2 September. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

# Kind regards

# Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From: Sent: 02 September 2013 03:36

To: Info

Subject: Vi-aqua system

Hello,

i had a few questions regarding a from press release put out by an Irish company advertising their Vi-aqua system. The press released say that their system helped you revive one of your orchids and I would be very curious to hear more about this. any information you could provide would be very useful. thank you so much for taking the time away from your important work to talk with me!

From: Katrina Roche

To:

Subject: RE: Vi-Aqua water activation system

Date: 30 August 2013 18:06:00

Attachments: image001.gif

# Dear

Thank you for your email dated 30 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

# Kind regards

#### Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From: Sent: 30 August 2013 15:15

To: Info

Subject: Vi-Aqua water activation system

Dear Sirs,

I apologise if this is a waste of your time, but I would be interested to know if you have indeed used the Vi-Aqua system (as claimed by the manufacturer) and if so, did it deliver results that Kew consider to be above the normal trend. In other words, is this a viable product.

I thank you in advance for your time, but completely understand if you do not want to discuss this product if it is a scam.

Best regards,

From: <u>Katrina Roche</u>

To: Subject:

RE: Vi-Aqua

Date:

30 August 2013 14:44:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 29 August addressed to my colleague. I confirm that the Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since an agreement in 2006 (which expired in 2009). A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From:

Sent: 29 August 2013 13:37

To: Info

Subject: Re: Vi-Aqua

Hi Roxana,

Thank you for your email dated 27th August stating that Kew endorses the Vi-Aqua product.

This however is contradicted by a tweet sent to me today - see attached.

Can I take it therefore that Kew definitely does NOT endorse it?

Many thanks,

On 27 August 2013 15:30, Info < xxxx@xxx.xx wrote:

Dear ,

Thank you for your enquiry.

Kew does endorse Vi-Aqua. It was only endorsed AFTER successful trials had been carried out at Kew.

I hope this is of help.

Roxana Glenn Visitor Information

From:

Sent: 27 August 2013 07:25

To: Info

Subject: Vi-Aqua

Hello,

This is an extraordinary article that appeared in Ireland's Sunday Independent on 25th August:

http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-pesticides-29525621.html

I am more than a little skeptical about the claims being made for the product and I am wondering if your goodselves have in fact given permission for the company to use your "coat of arms" as claimed in the article:

"In recognition of the groundbreaking technology, the Royal Botanical Gardens at Kew, London, recently took the hitherto unheard-of step of granting Professor Austin Darragh and his team the right to use their official centuries-old coat of arms on the new technology - the first time ever that Kew Gardens has afforded anyone such an honour."

Mention of this is also made in the company's website:

http://tredispace.com/viaqua/index.php/en/

I look forward to hearing from you.

Regards,



From: <u>Katrina Roche</u>

Subject: RE: Vi-aqua? is it true?

Date: 29 August 2013 18:02:00

Attachments: <u>image001.gif</u>

Dear

Thank you for your email dated 28 August. The Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since 2009. A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

Kind regards

#### **Katrina Roche**

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org

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From: Sent: 28 August 2013 16:13

To: Info

Subject: Vi-aqua? is it true?

Hello,

I'm curious if you are indeed involved with this product and /or company as they are claiming. <a href="http://www.viaqua.ie/">http://www.viaqua.ie/</a>

You'll find a quotation purportedly from RBG Kew in their "News & Updates" section.

Your website however makes no mention of this – what would be astonishing breakthrough.

Can you shed any light on this?

Kind regards,

From: Katrina Roche

Sent: 30 August 2013 14:44

To: Subject:

RE: Vi-Aqua

Dear

Thank you for your email dated 29 August addressed to my colleague. I confirm that the Royal Botanic Gardens, Kew has not endorsed the Vi-Aqua products since an agreement in 2006 (which expired in 2009). A recent press article in the Irish Independent that mentioned this endorsement and activities by Kew around it, was inaccurate.

# Kind regards

### Katrina Roche

Customer Information Supervisor Visitor Services Public Engagement & Learning

www.kew.org



From:

Sent: 29 August 2013 13:37

To: Info

Subject: Re: Vi-Aqua

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This however is contradicted by a tweet sent to me today - see attached.

Can I take it therefore that Kew definitely does NOT endorse it?

Many thanks,

On 27 August 2013 15:30, Info < info@kew.org > wrote:

Dear ,

Thank you for your enquiry.

41

Kew does endorse Vi-Aqua. It was only endorsed AFTER successful trials had been carried out at Kew.

I hope this is of help.
Roxana Glenn
Visitor Information
From: [] Sent: 27 August 2013 07:25
To: Info Subject: Vi-Aqua
Hello,
This is an extraordinary article that appeared in Ireland's Sunday Independent on 25th August:
http://www.independent.ie/business/irish/wave-goodbye-to-global-warming-gm-and-pesticides-29525621.html
I am more than a little skeptical about the claims being made for the product and I am wondering if your goodselves have in fact given permission for the company to use your "coat of arms" as claimed in the article:
have in fact given permission for the company to use your coat of arms as claimed in the article.
"In recognition of the groundbreaking technology, the Royal Botanical Gardens at Kew, London, recently took
the hitherto unheard-of step of granting Professor Austin Darragh and his team the right to use their official centuries-old coat of arms on the new technology - the first time ever that Kew Gardens has afforded
anyone such an honour."
Mention of this is also made in the company's website:
http://tredispace.com/viaqua/index.php/en/

I look forward to hearing from you.

Regards,