

History of Hoodia Gordonii

As we discussed in the Overview of Hoodia, the Bushmen (or the San) have used Hoodia plants as a natural appetite suppressant for thousands of years. But how did the secret of the San get out? It turns out by accident?

In 1996 the Council for Scientific and Industrial Research (CSIR) in South Africa was doing a study of indigenous foods that the Bushmen ate. Part of the study was to test for toxic effects of any plants that were consumed by the Bushmen. When they came to Hoodia Gordonii, not only was it non-toxic - it helped animals lose weight!

They found when they fed hoodia to animals, the animals lost weight. By 1997, the CSIR isolated the bioactive compound in Hoodia responsible for appetite suppression and obtained a patent. The patent was licensed to Phytopharm and they named the molecule - P57 (because it was the 57th product they spent money on).

What did the Bushmen get for their discovery of the Hoodia Gordonii plant? At first - nothing! Turns out the CSIR told Phytopharm that the tribe which discovered the Hoodia Gordonii plant had died out and therefore no royalties were due. However, as Mark Twain might say - "tales of the Bushmen's death were greatly exaggerated". When the Bushmen got word that Phytopharm stood to make billions of dollars off their knowledge about the hoodia gordonii plant they were not happy.

Roger Chennells, a lawyer in South Africa who represents the Bushmen, was quick to apply strong legal, moral and political pressure on both the CSIR and Phytopharm. Chennells pointed out to anyone who would listen that the taking of traditional knowledge without compensation was "bio-piracy" and must be stopped.

In what is seen as a landmark case, Chennells was able to convince the CSIR and Phytopharm to compensate the Bushmen. Now, any company that legally harvests hoodia gordonii from the Kalahari desert must pay royalties back to the Bushmen. Not only is this fair and just, it also provides an excellent way to check if the hoodia you buy is legitimate. If the company that makes the hoodia is NOT paying royalties to the Bushmen, you do NOT have a legitimate hoodia gordonii product.

So when will Phytopharm release a P57 based appetite suppressant? Probably never. As we touched on in the overview, Pfizer had originally paid Phytopharm for the rights to market a P57 based diet pill. After a few years of unsuccessful attempts to make P57 synthetically, Pfizer pulled out of the deal. If a large amount of P57 could not be created inexpensively in the lab, Pfizer was not interested.

While Phytopharm was discouraged by the Pfizer decision, they knew that Hoodia Gordonii was too powerful an appetite suppressant to give up trying to bring it to the market. In December 2004, Phytopharm announced that Unilever had entered a deal to market hoodia gordonii in its diet food product line. Therefore, rather than producing diet drugs, it looks like Phytopharm and Unilever will produce diet supplements and diet foods with hoodia. The first Unilever products will not be out until 2008.

Does Phytopharm own the patent on the whole Hoodia Gordonii plant? This is an interesting question that we are sure will be decided in court one day. Here is our take on the situation - Phytopharm clearly owns the patent on the P57 molecule. If you want to try to make a diet drug with P57 you need to work through Phytopharm.

The question of the Hoodia Gordonii plant itself being patented is much more complicated. It is our belief that you can not patent a plant, but you can patent the use of plants and a process to extract plants. Here is an exact quote from Richard Dixey, CEO of Phytopharm when he appeared on 60 minutes?

"The patent is on the application of the plant as a weight-loss material. And, of course, the active compounds within the plant. It's not on the plant itself," says Dixey.

So no one else can use hoodia for weight loss? "As a weight-management product without infringing the patent, that's correct," says Dixey.

The way we read this (and again we are not lawyers and are not giving any legal advice) is as follows - you can sell a Hoodia Gordonii supplement, you just can NOT say it is for weight loss. This is why many of the best Hoodia supplements have very plain labels that just say "Hoodia Gordonii" but do not say anything about using it as a weight loss or appetite suppressant supplement.

About the Author

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