

IN THE HIGH COURT OF NEW ZEALAND  
NEW PLYMOUTH REGISTRY

CIV 2013-443-107

**UNDER** the Judicature Amendment Act 1972 and the  
Declaratory Judgments Act 1908

**IN THE MATTER** of an application for judicial review and an  
application for a declaration

**BETWEEN** NEW HEALTH NEW ZEALAND INC  
Plaintiff

**AND** SOUTH TARANAKI DISTRICT COUNCIL  
Defendant

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**AFFIDAVIT OF PATRICK DAVID SLOAN**

Dated 30 July 2013

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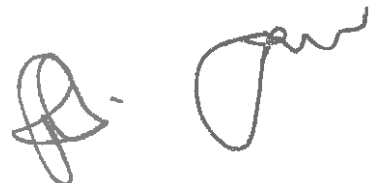
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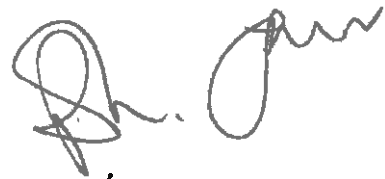


I, Patrick David Sloan, director of Christchurch affirm:

1. I am known as Dave Sloan.
2. I am both a member of and the chairman of the plaintiff.
3. The plaintiff is an incorporated society having its registered office in Christchurch. It was incorporated in November 2005.
4. The plaintiff is a consumer-focused health organisation which aims to advance and protect the best interests and health freedoms of consumers.
5. The plaintiff's purpose includes:
  - 5.1. To provide representation for the consumers of health products and services in New Zealand.
  - 5.2. To ensure that good quality health information is made available to consumers, at all times.
  - 5.3. To ensure that a consumer has the right to select such health services and products as may be beneficial to the consumer in the consumer's opinion.
  - 5.4. To promote sensible regulation of health products and services that maximise the interests of New Zealand consumers and industry.
6. The plaintiff has members throughout New Zealand including members in Patea and the Taranaki region.
7. One issue that is of interest and concern to the plaintiff is fluoridation of water supplies.
8. Some local authorities in New Zealand add fluoride compounds to their water supplies to a total level of between 0.7 and 1 part per million fluoride.



9. The claimed purpose of fluoridation is to improve public health by reducing the incidence of tooth decay.
10. The plaintiff is opposed to fluoridation of water supplies by local authorities for reasons that include:
  - 10.1. Fluoridation removes a consumer's freedom of choice.
  - 10.2. Fluoride is potentially harmful to health.
  - 10.3. Fluoridation of water supplies is not an effective way of providing fluoride for the purposes of preventing dental caries.
  - 10.4. Fluoridation is in conflict with core principles of modern pharmacology.
  - 10.5. The fluoride added to water supplies is obtained from the phosphate fertiliser industry and contains heavy metal contaminants including arsenic and lead that are potentially risky to health.
11. These reasons are fully explained in the academic text *The Case Against Fluoride* which is co-authored by Professor Paul Connett, James Beck and Spedding Micklem.
12. Professor Connett has provided an affidavit (dated 25 July 2013) for the plaintiff in these proceedings which includes this text and I refer to its contents.
13. The plaintiff's key concern with the defendant's decision is with its lawfulness.
14. Its view is that fluoridation breaches s 11 of the New Zealand Bill of Rights Act 1990 and that there is no statutory provision authorising it.
15. In addition its view is that forcing medical treatment on whole populations is not reasonably justified in a free and democratic society

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when there are many alternative and less intrusive options of preventing tooth decay available.

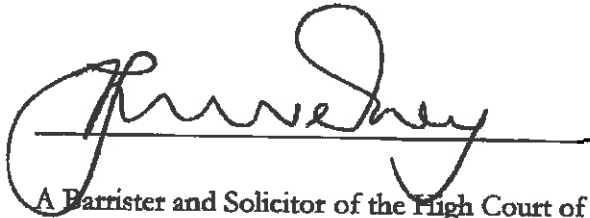
16. The plaintiff brings this case principally to raise the issue of jurisdiction.

AFFIRMED at Christchurch this

30<sup>th</sup> 

day of July 2013

before me:



A Barrister and Solicitor of the High Court of New Zealand

Teresa Mary Wethey  
Solicitor  
Christchurch