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Opinion | A Legal Shakedown Exposed

The Editorial Board

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How Valisure tried to cash in on its dubious claims about cancer.



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Claims by the small laboratory company, Valisure LLC, that popular consumer products contain cancer-causing chemicals have generated headlines, but don't believe everything you read. A federal judge [recently exposed](#) some of Valisure's dubious scientific methods, and now there's new evidence of how the firm uses its claims as part of its business model.

The press has amplified Valisure's claims that sunscreens, antiperspirants, dry shampoos, hand sanitizers and the heartburn medication Zantac contain dangerous levels of cancer-causing chemicals. In 2022 Valisure said 70% of dry shampoo that it tested contains benzene, often in amounts that far exceed what is considered the safe daily limit.

[Unilever](#) analyzed its dry shampoo products and voluntarily

recalled some lots out of an abundance of caution. The company was nonetheless slammed with several class-action lawsuits by plaintiffs alleging they were economically—not physically—harmed because they bought products that were “worthless” due to alleged benzene contamination.

In a recent legal filing, Unilever argues that Valisure isn’t a credible source. It says Valisure was a consultant for plaintiffs in the case before Valisure filed a citizen petition asking the Food and Drug Administration to recall dry shampoo products and to “promulgate rules or administrative orders requiring robust independent chemical batch-level testing and verification” of regulated consumer products.

Translation: Valisure wants the FDA to require companies to utilize its testing services. Unilever also says in a court filing that Valisure sent it a proposed “agreement” to pay Valisure. Unilever would pay Valisure \$1.25 million up front, plus \$250,000 a month over the term of the agreement. In return, Valisure would keep its Unilever testing information confidential.

Unilever’s filing also includes the text of the draft agreement proposed by an attorney representing Valisure. The agreement underscores that Valisure doesn’t provide “legal, regulatory, or [Good Manufacturing Practice] services.” This makes clear that Valisure wouldn’t help Unilever with legal and regulatory compliance.

The purpose of the payments by Unilever to Valisure would be to avoid damaging headlines and costly lawsuits. Unilever says in the filing it declined Valisure’s “offer.” Valisure’s generic form letter and boilerplate terms suggest that it has tried this tactic with other

companies. Unilever resisted, but how many other companies have paid Valisure?

Valisure's coziness with plaintiff law firms also deserves more scrutiny. Valisure CEO David Light's brother-in-law, Yitzhak Levin, co-founded the Levin Citron Rodal law firm. Legal discovery and depositions from recently dismissed lawsuits alleging that the medication Zantac contained dangerously high levels of a cancer-causing chemical show Mr. Levin's firm filed class-action suits against drug manufacturers on Sept. 13, 2019. That was the same day Valisure said it had filed its petition with the FDA targeting the drug companies.

Mr. Light emailed Lior Braunstein, a doctor whose study was relied on by the plaintiffs' experts, on Oct. 5, 2019 about a survey by his brother-in-law. "I think you might have met this brother in law, his name is Yitz. He's a lawyer in Florida, one of the 17+ firms filling ranitidine suits. His survey is part of marketing for getting plaintiffs, so probably some selection biases, but I can ask him," said the email. (Zantac, a heartburn medicine, contains ranitidine.) These documents turned up during legal discovery in the Zantac lawsuits.

Documents also show that Valisure was aware that other studies cited in the Zantac lawsuits were dubious. "Independent studies, even if flawed, that support our findings are useful. I'm sure this paper is being read with interest by hundreds of lawyers,"

Valisure's chief business officer Robert Cunningham wrote in a Dec. 30, 2020 email to other company executives and Dr. Braunstein.

A spokesperson at Valisure says "we're not legal experts and prefer not to comment on active litigation" in the Unilever case. The

spokesperson adds that, while Valisure was studying ranitidine, Mr. Levin's "infant daughter was prescribed ranitidine syrup and when asked, his brother-in-law David Light relayed strong concern about ranitidine's safety" and Valisure did not engage with Mr. Levin's law firm or "any other plaintiff firm for the Zantac MDL cases, and is a third-party in that MDL, as the judge confirmed." MDL refers to multi-district litigation.

Credit to the American Tort Reform Association for discovering these documents, which show that Valisure worked hand-in-glove with the plaintiffs in the Zantac case. In dismissing the 50,000 Zantac claims, a federal judge in December eviscerated Valisure's flawed testing methods that created the cancer-causing chemical at the center of the lawsuits.

The dry-shampoo lawsuits against Unilever likewise deserve to be tossed. Maybe the press should investigate the credibility of its sources before amplifying their claims.

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