

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF IOWA, ex rel.)
THOMAS J. MILLER)
ATTORNEY GENERAL OF IOWA)
Plaintiff,)
vs.)
OSMOSIS, LLC,,)
A Colorado Corporation,)
and)
BENJAMIN TAYLOR JOHNSON,)
in his individual capacity)
and corporate capacities,)
Defendants.)

CASE NO. EQCE081282
CORRECTED TRANSCRIPT OF PROCEEDINGS

excerpts

The above-entitled matter came on for trial before the Honorable Scott D. Rosenberg, District Court Judge of the Fifth Judicial District of Iowa, commencing at 8:55 a.m. on May 18, 2017, Room 314 of the Polk County Courthouse, Des Moines, Iowa.

Janis A. Lavorato, CSR
Official Shorthand Reporter
Polk County Courthouse
Des Moines, Iowa 50309

testimony of Ben Johnson
(5-18-17)

75

1 Q. Now, at the time you started selling it,
2 what scientific support did you have for the claims
3 regarding its UV protection capacity?

4 A. Internal testing.

5 Q. When you say "internal testing," is that
6 basically of the type that you've described a couple
7 of times now this morning?

8 A. Yes.

9 Q. Anything else at that time?

10 A. No.

11 Q. When you do the internal testing, do you
12 actually design a test in advance and, like, create a
13 protocol or not?

14 A. Yes.

15 Q. Do you keep the protocol?

16 A. No. It's -- well, in many cases it was
17 never formalized, but it is certainly well-thought
18 out and implemented carefully.

19 Q. When you say "never formalized," is it not
20 even written down?

21 A. Correct. Like, I couldn't say I had some
22 notes from five years ago about how to test UV
23 Neutralizer.

24 Q. Do you use any placebo groups --

25 A. No.

1 Q. -- in the internal testing?

2 A. Well, for UV Neutralizer -- actually, no.
3 Not for any of the waters, no.

4 Q. And is there any blinding of subjects or
5 testers?

6 A. No. There's some accidental blinding. For
7 example, I made a water that never made it to the
8 public that was called "Emotional Detox," and I put
9 it in the jug of water in my office, and nobody knew
10 except for me.

11 And we had some emotional outbreaks that
12 day. So there was sort of blinded results in that
13 way, but I say that in somewhat jest because it's,
14 obviously, not a water I offered to the public.

15 Q. When you say "emotional outbreaks," what do
16 you mean?

17 A. Crying, anger. People were breaking down a
18 little bit that day. I decided that probably wasn't
19 a product that I could in good conscious give out to
20 the public.

21 Q. Was the internal testing on UV Neutralizers
22 ever published or written up, either one?

23 A. Internal testing, no. I do hope to get the
24 other testing published -- the clinical trial.
25 Sorry.