

# NMCL—Statement Regarding Berkey Water Filter Lawsuit

Attorneys typically advise clients not to discuss ongoing litigation, and New Millennium Concepts, Ltd. (NMCL), provider of Berkey® water filters, has remained silent until now. However, NMCL believes that our loyal customers deserve a public response to the false and erroneous misinformation appearing online regarding a lawsuit filed against NMCL.

There are many problematic issues in the lawsuit that we cannot address here, but below are some brief highlights:

- **One of the named plaintiffs** previously filed a lawsuit, but later withdrew after NMCL responded to the suit and showed that the plaintiff's claims were so weak that she would obviously lose. Now the plaintiffs have filed a second lawsuit, apparently attempting to engineer around the arguments that NMCL made during the first lawsuit. This current lawsuit seems to be just another attempt to “do-over” the first suit in order to force NMCL to settle.
- We also believe that much of the information that the plaintiff collected for the lawsuit came from Berkey knock-off filter websites because of their carbon block descriptions (Black Berkey® Elements are not carbon block filters), and the plaintiff repeatedly uses the term “Berkey Black” in their lawsuit, which is a term utilized by knock-off filter websites in order to engineer around our trademark “Black Berkey®”.
- While the plaintiffs claim Black Berkey® Elements do not perform as advertised, the plaintiffs do not claim that they have suffered any physical or health-related harm in any way by their Berkey® systems. Instead, plaintiffs claim that they are representing everyone that has ever purchased a Berkey® system, claiming that Berkey® systems are “nothing more than an empty can or plastic bottle”.
- We strongly believe the plaintiffs' allegations are not based on valid testing of authentic Black Berkey® Elements, but are based on counterfeits which are deceptively similar in appearance, but are mere carbon block filters which look like Berkey® filter elements. The plaintiffs' testing results in no way comport with the factual results of other independent accredited third-party labs that have tested genuine Black Berkey® Elements.

**NMCL vigorously denies the plaintiff's allegations and we believe that the plaintiff is utilizing counterfeit product to exact a settlement.**

## History of Black Berkey® Elements and Counterfeit Products

- Over two decades ago, NMCL developed the proprietary formulation for our Black Berkey® Elements, and during their history they have undergone what we believe to be the most rigorous testing of any other gravity-fed filter elements. Berkey® water systems have been utilized in off-grid applications by relief groups for disaster recovery, charities, and people worldwide without access to clean water for over two decades without a complaint of which we are aware as to their ability to remove contaminants from unpotable water sources. More importantly, to our knowledge there has never been a successful suit filed against the Black Berkey® Elements because they have historically provided customers with exceptional performance and value—a perception that has been challenged only because Chinese and other foreign counterfeit filters entered the market failing to meet consumers' performance expectations and appear so similar to genuine Black Berkey® Elements that consumers are being misled by not

being able to determine the difference between the authentic Black Berkey® Elements and the counterfeit carbon block filters.

- Worse, NMCL discovered that major online retail marketplaces were commingling at their warehouses counterfeit elements supplied by unauthorized sellers with authentic Black Berkey® Elements supplied by our authorized Berkey® dealers. The marketplaces then shipped product from the commingled inventory to consumers who purchased authentic Black Berkey® Elements. Since that discovery, NMCL has required its authorized dealers to opt out of all commingling programs, and keep separate inventories at Amazon and other platforms to prevent comingling from occurring in the future. However, it is important to note that the majority of plaintiffs claim to have purchased their products on Amazon prior to NMCL discovering the comingling issue.

NMCL believes that the plaintiffs likely tested counterfeit Berkey® elements, and that NMCL is being required to defend itself against the performance of Chinese and other foreign counterfeit carbon block filters rather than the proven performance of authentic Black Berkey® Elements. Moreover, NMCL is also being required to defend itself against various websites, social media and video-sharing platforms that presume the likely imitation carbon block filters tested in the lawsuit are authentic Black Berkey® Elements, when they are not. If the plaintiff tested counterfeit or knock-off filters, then obviously any testing they conducted is irrelevant to the performance of authentic Black Berkey® Elements.

### **Regarding Black Berkey® Elements Test Results**

- Multiple accredited third-party laboratories have tested Black Berkey® Elements and those independent results validate that they meet exceptional standards of quality. NMCL's claims are based upon test reports from these laboratories, which are available on our website at:  
<http://berkeywaterkb.com/black-berkey-purification-elements-test-results/>
- NMCL has had an extremely difficult time in getting cooperation from major online retail platforms in removing the counterfeit filters. This only allows the counterfeit problem to continue metastasizing. In fact, of 57 test buys of Black Berkey® Elements purchased from **unauthorized** sellers on two major platforms, 51 test buys (89%) were confirmed as being counterfeit—meaning that 89% of sales from unauthorized sellers were just generic, untested Chinese or foreign carbon block filters packaged to imitate the appearance of authentic Black Berkey® Elements. **The problem has become so pervasive that the estimated sales of verified counterfeit filters have exceeded more than two and a quarter million dollars during the first nine months of 2022 on just one major U.S. online retail marketplace alone.**

We also ask that Berkey® customers assist NMCL in purging the market of counterfeit filters by always buying Berkey® systems and Black Berkey® Elements from authorized Berkey® dealers. Customers can verify authorized dealers by calling our customer service department at 888-803-4438.

If you suspect your online marketplace purchase (from Amazon, eBay, etc.) may contain counterfeit elements, please check this page (<https://support.berkeywater.com/buyer-beware/>) for a guide to identifying counterfeit elements. Then, after reviewing those examples, if you believe you have received counterfeit filters, we suggest the following course of action:

1. Demand a full refund from the dealer or marketplace.

2. Return the product stating the specific seller from whom you purchased, shipped you counterfeit filters.
3. Leave a review on the specific seller's storefront stating that the seller sold and shipped you counterfeit filters, rather than authentic Black Berkey® Elements.
4. Contact NMCL to report the marketplace and seller that sold you the counterfeit product (this helps us identify and take action against unauthorized sellers). We also urge customers who have been fooled into purchasing untested knock-off carbon block filters advertised as replacements to follow the same procedure.
5. Replace the counterfeit filters by purchasing genuine Black Berkey® Elements from an authorized Berkey® dealer.

**We appreciate the countless Berkey® Water System users around the world and want to assure you that we fully stand by the quality of Berkey® products and intend to defend and defeat this baseless lawsuit.**

**[CLICK HERE TO SEE SAMPLES OF COUNTERFEIT FILTERS](#)**