

# The Second Aristolochic Acid Case in Belgium - Why Were Chinese Herbs Blamed?

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Keywords:  
Chinese  
medicine, herbal  
medicine,  
aristolochic acid,  
toxicity, kidney  
failure, legal case

## Abstract

This article describes a recent case in Belgium where a Chinese medicine practitioner was found guilty of causing irreversible kidney disease after prescribing herbal medicine allegedly containing aristolochic acid (AA), and sentenced to jail. However, with support from Chinese medicine practitioners across the world, a legal challenge showed that the herbs prescribed did not actually contain any AA and the practitioner was exonerated. The article discusses why this and other cases of Chinese herbal medicine have been widely reported in the media, whereas the huge benefits of Chinese medicine treatment are rarely mentioned.

## Introduction

Aristolochic acid (AA) has become widely known because of aristolochic acid nephropathy (AAN), a rapidly progressive interstitial nephritis leading to end-stage renal disease and urothelial malignancy. Cases of AAN were originally reported in Belgium in a group of patients who had ingested slimming pills containing Chinese herbs.<sup>1</sup> However, most people may not know about a recent AA lawsuit in Belgium.

Briefly, in 2010 an insomnia patient in Belgium took a Chinese herbal formula prescribed by a practitioner of Chinese medicine who graduated from Shanghai University of Traditional Chinese Medicine (TCM), China. The formula contained thirteen commonly used Chinese herbs: Chǎo Zǎo Rén (dry-fried *Ziziphi spinosae* Semen), Mài Dōng (Ophiopogonis Radix), Shēng dì (Rehmanniae Radix), Dàn Zhú Yè (Lophateri Herba), Tiān Dōng (Asparagi Radix), Zhī Zǐ (Gardeniae Fructus), Bó Zǐ Rén (Platycladi Semen), Dāng Guī (Angelicae sinensis Radix), Wǔ Wèi Zǐ (Schisandrae Fructus), Gān Cǎo (Glycyrrhizae Radix), Yù Jīn (Curcumae Radix), Yuǎn Zhì (Polygalae Radix) and Bǎi Hé (Lilii Bulbus). According to the literature, none of these herbs contain AA.<sup>2</sup>

Unfortunately, the patient soon noticed weight loss and other symptoms such as hair loss, loss of appetite and bloating. She was later diagnosed with acute renal failure, and a kidney biopsy led to the further diagnosis of irreversible kidney disease caused by AA. The necrotic kidney was replaced by transplant in 2013. However, her misfortunes continued as she was then diagnosed with kidney cancer. The patient sued the Chinese practitioner in Brussels.

## The first trial

In the first trial in early 2015, the court released a testing report prepared by a toxicologist, in which AA was detected in the above-mentioned herbal formula. The court sentenced the Chinese practitioner to 12 months in jail with a three-year delay and a fine of 156 Euro. The incident was reported by HLN (Headline News).<sup>3-6</sup>

To safeguard the reputation of Chinese medicine, Professor Pei-lin Sun, the vice president and secretary general of the Belgium Federation of Traditional Chinese Medicine (BFTCM), contacted the defendant practitioner on behalf of the organisation. Meanwhile, Professor Sun summoned nearly 20 TCM experts from across the world for help, most of whom were from the U.S.. Chinese herbal medicine (CHM) has helped countless Americans since it was introduced to the U.S. in the 1800s,<sup>7</sup> although it has been mostly presented by the media in a negative light. To defend the reputation of CHM and also to advocate for the innocent practitioner, these TCM experts agreed to help the defendant practitioner for free.

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Herbs containing AA were already banned in Europe when this patient was prescribed the formula mentioned above. The TCM experts agreed that, based on its ingredients, the formula should not have contained AA. Dr. Willow Liu, the president of the American Association of Chinese Herbs, pointed out that an AA testing report was the key evidence in this case. Such testing is usually performed through HPLC (high-performance liquid chromatography). If the analytical conditions of the HPLC were not correct, contamination could easily have produced inaccurate results. Therefore, the record of the AA analysis was required. The TCM experts also questioned the report of the kidney biopsy and the patient's health condition before she started seeing the defendant practitioner for treatment. Thus, a letter with a request to see the patient's medical records, the images obtained through the kidney biopsy and the record of the AA analysis was drafted and sent to the defence lawyer.

### The appeal

The Court of Brussels investigated all aspects of the testimony and held a final trial on 27th November 2017 on the basis of nearly two years of evidence collection. The Chinese practitioner won the case with 'no criminal motive'. Neither the record of the patient's medical history nor the record of the AA analysis was presented in the court.

The patient refused this judgment and appealed to the Supreme Court of Belgium. In December 2018, the Supreme Court dismissed the appeal and affirmed the final judgment of the Court of Brussels. The second so-called 'Belgian herbal nephropathy case' in Belgium, which lasted nearly eight years, finally ended.

Unfortunately, unlike the trial in 2015,<sup>3-6</sup> no local media reported the result of the final trial in 2017, or the response of the Supreme Court to the appeal in 2018. Prof. Sun contacted the newspaper *Nieuwsblad* and requested that they update their report after the court of appeal in 2017. Strangely, on 5th December 2017, the *Nieuwsblad* website posted a news story entitled 'Chinese acquitted for herbal mixture that made the patient dead sick', but with the date of 1st January 2015.<sup>8</sup> Prof. Sun requested several times that the report date be changed, but without success.

### Discussion

Chinese herbal medicine is often blamed if patients have any uncomfortable symptoms or health problems during or after treatment. In fact, many patients turn to CHM after orthodox treatments fail to work for them. Symptoms that occur during the administration of Chinese herbs could be due to the patient's declining health or even to the accumulated side effects of orthodox medical drugs, rather than the CHM itself.

Unfortunately, Western media seems generally only interested in reporting the rare news of toxicity or death

*The Chinese practitioner won the case with 'no criminal motive'.*

caused by Chinese herbs, as in the case of slimming pills containing AA<sup>1</sup> or ephedra extract,<sup>9</sup> rather than the many effective treatments performed daily in Chinese medicine clinics. In these cases the toxicity tends to be caused by misuse of CHM, for example using ephedra for weight loss rather than according to TCM theory (ephedra was not traditionally used for weight loss). Due to negative media reports and lack of basic knowledge about CHM, many orthodox physicians tell their patients not to take Chinese herbs, even when orthodox medicine has failed to help them. Safety may be these doctors' main concern, but some physicians erroneously tell their patients that CHM has no scientific basis or that its clinical success is merely due to psychological effects. Therefore, even though CHM may successfully relieve patients' suffering, many of those who take it decide not to tell their physicians. Sadly, some patients report to their physicians only when they feel uncomfortable after taking the herbs. In fact, much of the research performed by scientists over the world using modern chemical, biological and pharmacological methods in the past decades supports the efficacy of CHM. The reason for our inability to precisely explain the mechanisms by which CHM is effective is not that CHM is very old. It is because our knowledge about the human body and diseases, as well as the chemical substances in Chinese herbal medicinals, is still limited.

It should also be mentioned that CHM is not unconditionally safe. It should be applied on the basis of TCM theory, with correct diagnosis and differentiation. Factors such as herb quality, duration of treatment, dosage of administration and proper formulation all contribute to the safety and efficacy of CHM.

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