

THE NCAHF BULLETIN BOARD

SEPTEMBER / OCTOBER, 1997

The NCAHF Bulletin Board is sent to NCAHF members and complimentary media *NCAHF Newsletter* recipients only. It is intended to stimulate and aid in activism against health fraud, misinformation and quackery at the local, state & national levels.

OREGON CONGRESSMAN NEEDS EDUCATING

Representative Peter DeFazio (D-OR) states in a letter to *The Wall Street Journal* (6/23/97) that "The case of Dr. Stanislaw Burzynski is a prominent example of why we need FDA reform. During Dr. Burzynski's trial, his critically ill patients were faced with the loss of access to his experimental drug, antineoplastons. Many of us in Congress found the government's conduct and handling of this case to be heavy-handed and costly. In fact, it is the subject of an ongoing congressional investigation. Americans should not have to fear that the government will take away their access to alternative therapies...." DeFazio goes on to say that this is one reason why he introduced the Access to Medical Treatment Act. A letter from William London appeared in the same column rightly pointing out that "people don't choose an unapproved treatment unless marketing efforts lead them to believe that it can make them well." And that "The utility of freedom of choice depends upon reliable information." Accompanying DeFazio's letter was a testimonial from Ted Wadman of Corvallis, Oregon, who states that his "12-year-old son has a brain tumor that has shrunk by 70% in volume over the past two years while on Dr. Burzynski's treatment." What Mr. Wadman doesn't acknowledge is that his son's brain tumor may have shrunk whether or not he had been on antineoplastons. Some of the problems involved in evaluating the effectiveness of any remedy on brain tumors are that (1) their irregular shapes can cause their apparent size to vary considerably even from day to day on CT scans depending upon the "cut" and contrast load; (2) cystic tumors may nearly disappear if they happen to drain; (3) patients with lower grade tumors tend to survive for long periods of time in any case. Since the survival curve for any population of cancer patients is skewed (ie, resembles a toboggan run that is steep at first, lessens in gradient, and then trails way out), any clinic that treats a large number of cancer patients is bound to have a number of long term survivors. Understanding this, cancer specialists know that the presence of a few long term survivors cannot prove the value of any remedy—only randomized, controlled clinical trials can provide the evidence that is needed. This is what the case against Burzynski is about. He has failed to test his antineoplastons choosing instead to market them based upon testimonials. Anyone intelligent enough to serve in the U.S. Congress should be smart enough to understand why testimonials are unreliable, and why randomized, double-blind clinical trials are needed to establish the value of a treatment. Previous congresses recognized this fact and wrote these requirements into law. Is DeFazio's inability to grasp these fundamental realities an indication of the "dumbing down" of congress? Oregonians should explore this question. Also, members in all states should contact their representatives and urge them not to support the Access to Medical Treatment Act.

REPORT ON EPHEDRA LAWSUIT

Houston Trial Reports (1997, volXXI, Issue 1, p. 8) provided information on the case against Alliance USA, Inc, the Chemins Company, and others that was covered in the *NCAHF Newsletter*. The Sept-Oct, 1994 issue reported on the death of an Austin, Texas woman, and the July-August, 1995 issue reported on the action taken against these companies by the Texas Attorney General. The lawsuit involved two heart attack deaths (36-yr-old female and 24-yr-old male), a stroke death (age 53 gender not specified), two survived strokes, three survived heart attacks, one survived ventricular tachycardia, one claimed personal distress and emotional anguish. The case was disposed of during the week of October 7, 1996. One death case settled before trial; defendants Affiliated Consultants and Chemins Company settled before jury selection; Alliance USA settled on the 4th day of trial before any experts testified. All settlement amounts were confidential.

"DEAD DOCTORS DON'T LIE" GUY EXPLAINS HIMSELF

Naturopath-veterinarian Joel Wallach answered questions about his audio tape *Dead Doctors Don't Lie* for *The Dallas Morning News*. The June 30 story makes interesting reading for anyone who has been affected by Wallach's silly tape. He says he has distributed more than 22 million tapes at a royalty of 25 cents each. He asserts that he is not in this thing for the money. Right!

ORGANICALLY-GROWN OR PESTICIDE-RESIDUE FREE?

Back when California legislators were deciding whether or not to legalize the marketing term "organic," NCAHF argued for "pesticide residue free" instead. This is because a FTC study of the terms used in advertising had stated that there was no way to distinguish between conventional and so-called "organically grown" produce after they were grown. On the other hand, a claim of being "pesticide residue free" could be tested. Although NCAHF does not believe pesticide residues permitted by law pose any health problem to consumers, it does believe that people should be able to buy such products if they wish. NCAHF recently learned that a California farmer was charged with violating the law because he failed to do the paperwork to have his apples certified as "organically grown," even though they were pesticide residue free. This shows that illogical laws lead to injustice. Chances are that the spate of bad laws favoring unproven alternative-complementary medicine will have some unanticipated problems as well.

ORGANIC TRADE ASSOCIATION EMPHASIZES ENVIRONMENTAL, NOT NUTRITIONAL, ASPECTS

The National Nutritional Foods Association (NNFA) continues to surprise us. In the Feb, 1997 issue of *NNFA Today*, the article, "Organic farms: are organic foods more nutritious?" provided by the Organic Trade Association acknowledged that there was little evidence to show any real difference between organically and conventionally grown foods. The main claim to superiority involves environmental impact. Unfortunately, they do not come

completely clean on that topic. They do not acknowledge that most conventionally grown foods do not contain pesticide residues, or that organic farmers also use chemicals to control pests. For instance, soap solutions are sprayed on crops with no evidence that run-off is not affecting some life form. Further, organic growing standards allow some fertilizers that have been condemned as "commercial" (whatever that means), strychnine (for poisoning rats), and pyrethrum (a standard insecticide) because they are natural. The reality is that the organic food industry is selling an illusion of safety, healthfulness, and environmentalism. Recommended reading: Larkin M. "Organic foods get government 'blessing' despite claims that aren't kosher," *Nur Forum*, 1991;8:25-9; A scientific status summary. "Organically grown foods," Institute of Food Technology, 1990; Hannon K. "Pure and unadulterated," *US News & World Rep*, 5/15/95:86+.

ORGANIZED QUACKERY: SOME TELLING ARTICLES

NCAHF defines *organized quackery* as organizations, whether commercial, non-profit, professional, or grass roots, which oppose *caveat venditor* ("let the seller beware") laws and policies and advocate *caveat emptor* ("let the buyer beware") instead. Such is usually done under the banner of freedom of choice for consumers, but is in reality, the freedom to promote false and unproven health schemes to the public without legal accountability. Through clever misdirection, the promoters of dubious "alternative and complementary" health methods make the regulators into the enemy and unorthodox practitioners the heroes. The tactic that seems to allow the mavericks to gain the advantage is their apparent sincerity. They present themselves as the misunderstood innovators in the traditions of Christopher Columbus and Galileo. However, every now and then an article appears which makes it clear to people skilled in consumer health legal matters, that these pretenders know that they are quacks. Following are a few examples. Quackbusters should read these to gain perspective and to learn of some possible points where quacks are still vulnerable.

1. Dumoff A. "Understanding the Kassebaum-Kennedy Health Care Act; Addressing Legitimate Concerns and Irrational Fears," *Alternative & Complementary Therapies*, August, 1997. This article states: "The two provisions of greatest concern are new civil sanctions for a 'pattern' of billing Medicare that is found to be for services held to be not 'medically necessary' and a provision making health fraud against any third-party payor a criminal offense." Since lack of evidence defines "alternative" medicine, how can any of it be "medically necessary?" It is easy to see the dilemma brought on by simple logic.

2. Chamberlain N. "Health freedom rally coincides with Health Fraud Conference," *Dynamic Chiropractic*, August 25, 1997. On June 26-7, the FTC hosted a conference in Dallas, Texas, on preventing health fraud that was attended by the National Association of Attorneys General, and the Federation of State Medical Boards. To coincide with the Health Fraud Conference, the Confederation of State Health Freedom Campaigns called a health freedom rally in Dallas that drew more than 600 people. Andrew Weil, MD appeared on video urging regulators not to classify alternative medicine as health fraud. Barry Sears, PhD, author of *The Zone*, taped a message predicting that nutritional approaches are the future of medicine. Lendon Smith, ex-MD, who surrendered his medical license in 1987 rather than face charges of insurance fraud (Chamberlain wrongly states that Smith lost his license for using dietary supplements) entertained the audience with his humor; and, Russell Jaffe, the attorney who headed Stanislaw Burzynski's defense team reportedly "told the audience that it's okay to drive

to Michigan at let Dr. Kevorkian assist you in committing suicide, but not to travel to Texas to have Dr. Burzynski help you survive cancer." (Ed. Jaffe misled the audience by asserting that patients who travel to Texas were prosecuted—they were not, it was Burzynski who has refused to provide the evidence that his cancer remedy was effective choosing rather to rely upon the emotional testimonials of hopeful patients who believe his sales pitch; He also overlooked the similarities between Kevorkian and Burzynski—both were put on trial but no jury has been willing to convict either out of sympathy for their victims).

FSMB COMMITTEE ON HEALTH CARE FRAUD

The Federation of State Medical Boards (FSMB) Special Committee on Health Care Fraud submitted its report and recommendations to the Board of Directors in February 1997. The report recommends that state medical boards should:

- *Develop mechanisms to identify physicians who may be engaging in questionable health care practices.
- *Develop criteria for evaluating any health care practice that has been called into question.
- *Utilize reliable information sources in their evaluations.
- *Utilize effective methods to investigate questionable practices.
- *Work in conjunction with state prosecutors in the initiation, development, and disposition of cases involving questionable health care practices.
- *Evaluate all avenues of potential prosecution and coordinate such with appropriate federal, state, and local agencies.
- *Review their medical practice acts and pursue legislative support for revisions to strengthen the ability to regulate physicians engaging in questionable health care practices.
- *Notify the FSMB of legislative initiatives that could diminish the state board's ability to regulate questionable practices.
- *Monitor federal and state legislative activities regarding health freedom issues and develop strategies to assure that the authority of state medical boards is maintained.
- *Develop educational opportunities for licensees regarding the prevalence, risks, and efficacy of questionable practices.
- *Collaborate with other agencies and organizations in efforts to identify and eliminate questionable practices that are adverse to the public health, safety, and welfare.

(A single photocopy of the executive summary of FSMB's Special Committee on Health Care Fraud report (from the Aug/Sept, 1997 *Townsend Letter for Doctors* is available from NCAHF library or Resource Center; \$2 & SSAE).

DR. WEIL'S STATEMENTS ALARM ALTERNATIVISTS

Andrew Weil, MD, who NCAHF has dubbed "alternative medicine's new poster boy," shook up some factions when he addressed the FSMB at San Diego in April. Weil was a last minute substitute for OAM's Wayne Jonas, MD, who canceled out. Weil told his audience that alternative medicine is not synonymous with health fraud, and took the opportunity to promote his newly launched program of "Integrative Medicine." Weil encouraged FSMB members to be open-minded, but shook up the alternativists at Citizens for Health (a chief lobbying organization for "health freedom") when he criticized "factory-like" chelation therapy practices as profiteering opportunists, knocked many products in health food stores, and dismissed homeopathy as "harmless" but unproven. (*The Natural Activist*, May/June, 1997). Weil's criticism of chelation therapy clinics is of particular importance because chelationists are among the most aggressive groups lobbying Congress for the Access to Medical Treatment Act, and they are doing their level best to strip the medical boards of their ability to discipline chelationist doctors.