

# **James L. Holly, M.D.**

## **Fraudulent Health Claims**

**By: James L. Holly, MD**

(The following article is quoted in its entirety with the permission of its author, Mr. Allen Kobit, Consumer Attorney with the firm of Hahn, Loeser & Parks LLP, 3300 BP Tower, 200 Public Square, Cleveland, Ohio 44114)

Each year, billions of dollars are spent on unproven, fraudulently marketed health-related products, devices and treatments that pose a direct threat of both economic and physical harm to people already suffering from serious illnesses. The elderly are particularly vulnerable because of the high incidence of health-related problems in this age group. With thousands of marketers pushing worthless or unproven remedies on TV infomercials, radio commercials and the Internet, there is reason for concern.

### **THE PROBLEM IS SERIOUS**

False claims about products are marketed as cures or treatments for serious diseases, such as cancer, heart disease, arthritis, prostate problems, rheumatism, diabetes, Alzheimer's disease and HIV/AIDS. The costs of these products and services range from a few hundred dollars for an herbal product or a dietary supplement to tens of thousands of dollars for cancer treatments offered in foreign "clinics." In most cases, these products and services are not covered by insurance because insurance rarely covers unproven or unapproved treatments. In addition to the economic losses, some products and services can pose a serious health threat. Most problematic is the fact that the promise of worthless or unproven remedies can deter victims from seeking the best available conventional treatments. In some instances, particularly in the area of false cancer treatments, marketers have even told victims that it is not necessary for them to seek or continue their conventional treatment — that they can cancel surgery, radiation or chemotherapy.

### **THE ELDERLY ARE PARTICULARLY VULNERABLE**

In large part because the illnesses in question are among those that plague the elderly, this age group is particularly vulnerable. Health fraud trades on false hope promising quick cures and easy solutions to a variety of problems, from obesity to cancer to AIDS. But consumers who purchase fraudulent "cure all" products don't find help or better health. Instead they find themselves cheated out of their money, their time and maybe even their health. Falsely marketed health products can keep people from seeking and continuing treatment from their own healthcare professional. Some products can cause serious harm and many are expensive because, as noted above, health insurance rarely covers unproven or unapproved treatments

## THE ADVERTISEMENTS CAN BE ENTICING

One Web site for an unproven treatment for cancer told consumers:

“Does this mean you can cancel your date for surgery, radiation and chemotherapy? YES! After curing your cancer with this recipe it cannot come back. THIS IS NOT A TREATMENT FOR CANCER: IT IS A CURE! But if you do not wish to make your doctor angry, you could follow her or his wishes, too. Be careful not to lose ANY VITAL ANATOMICAL PARTS in surgery though, because you may need them later when you are healthy!”

Another claim stated:

“This formula is a “powerhouse” and has been used on (and restored to health), cancer of the spine, arthritis, and polio, and has helped rebuild torn cartilage and sinews, fractures, etc., etc.”

And another one:

“We cannot list all 650 diseases that colloidal silver is effective against but here is a list of some of the common ones: common cold, stomach ulcers, acne, burns, shingles, arthritis, strep, tuberculosis.”

Obviously, in some patients, delaying treatment may worsen their condition or cause their death. Deferred treatment is not the only risk, however, as some products and services are themselves dangerous. In addition, some false products or treatments claim they can supposedly cure a wide variety of unrelated maladies.

## SOME SPECIFIC HEALTH CONCERNS

**Cancer:** A diagnosis of cancer can bring feelings of fear and hopelessness, but there are no “miracle” drugs to cure all types of cancer. Cancer is a name given to a wide range of diseases, each requiring different forms of treatment. Cancer patients who want to try an experimental treatment should enroll in a legitimate clinical study. The FDA reviews clinical study designs to help ensure that patients are not subjected to unreasonable risks.

**Arthritis:** Consumers spend an estimated \$2 billion a year on unproven arthritis remedies — such as thousands of dietary and so-called natural cures, like mussel extract, desiccated liver pills, shark cartilage, CMO, honey and vinegar mixtures, and magnets and copper bracelets. These remedies, however, are not backed by adequate science to show that they offer long-term relief.

**HIV/AIDS:** Although legitimate treatments can extend life and improve the quality of life for people with AIDS, so far there is no cure for the disease. But trying unproven products or treatments, such as electrical and magnetic devices and so-called herbal cures, can be dangerous and may cause HIV-positive individuals to delay seeking conventional medical care. The herb St. John’s Wort, for example, has been promoted as a safe treatment for HIV. However, there is no evidence that this herb is effective and, in fact, it may interfere with proven HIV/AIDS medications.

## HOW YOU CAN SPOT FALSE HEALTH-RELATED CLAIMS

Here are some signs of a false health-related claim:

1. Statements that claim the product is a quick and effective “cure all” for a wide variety of diseases or ailments. For example, if you see a claim that the product is “extremely beneficial in the treatment of rheumatism, arthritis, prostate problems, cancer, and heart trouble,” or that the dietary supplement “shrinks tumors” or “cures impotency,” be skeptical.
2. Promotions that use words like “scientific breakthrough,” “miraculous cure,” “exclusive product,” or “ancient remedy.” These are usually tip-offs that the product is a fraud.
3. Undocumented case histories or personal testimonials by consumers or doctors claiming amazing results. Often the “doctors” claiming these results work in “foreign clinics,” or are unlicensed or lack other appropriate credentials that would be required in the United States. The personal testimonials may very well be made up.
4. The product, treatment or device has limited availability and advance payment requirements. For example, an e-mail might say: “Hurry. This offer will not last. Send us a check now to reserve your supply.” Hold on to your check, and learn more about the product or treatment first.
5. The claim suggests that you can give up conventional medical treatment. This may be the worst claim of all — a worsening health condition or death may be the result if you believe this claim. In all of these cases, before succumbing to the temptation of purchasing one of these products or treatments, check with your healthcare professional or contact various organizations (see below), which know about particular diseases and their treatment. Remember: If there has been a medical breakthrough of the magnitude of a cure for cancer, arthritis or Alzheimer’s, for example, there is a good chance that your doctor will know about it, and will direct you to the treatment once it has been approved.

## WHERE TO GO TO LEARN MORE ABOUT HEALTH-RELATED PRODUCTS

1. If the “miracle claim” concerns cancer, contact your local chapter of the American Cancer Society or call the National Cancer Institute’s Cancer Information Service at 1-800-4-CANCER (1-800-422-6237) or log on to <http://cancernet.nci.nih.gov>.
2. If the “scientific breakthrough” concerns arthritis, call the Arthritis Foundation at 1-800-283-7000 or visit its Web site at: [www.arthritis.org](http://www.arthritis.org).
3. For HIV/AIDS information contact the HIV-AIDS Treatment Information

Service at 1-800-HIV-0440 (1-800-448-0440), or check information at [www.hivatis.org](http://www.hivatis.org).

## HOW TO REPORT HEALTH FRAUD

To report a health product, treatment or device that you believe is being falsely or fraudulently advertised, contact:

1. The Federal Trade Commission (FTC) at its toll free number at 1-877-FTC-HELP (1-877-382-4357) or visit the FTC online at [www.ftc.gov](http://www.ftc.gov)
2. Contact your State Attorneys General's office, State Department of Health, or local consumer protection agency, often listed in your telephone book.
3. Contact the Food and Drug Administration (FDA) at 1-888-INFO-FDA (1-888- 463-6332) or click on [www.fda.gov](http://www.fda.gov)

Remember, it is your life and it is your health.