

health fraud.⁽⁴⁾

II. Consumer Injury

At the consumer level, the costs of these products and services range from a few dollars 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.

In addition to economic injury, some products and services can pose a serious health threat. The promise of worthless or unproven remedies can deter victims from seeking the best available treatments. In some instances, particularly in the area of cancer, marketers have even told victims that it is not necessary for them to seek conventional treatment. For example, one website for an unproven treatment 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!⁽⁵⁾

In some patients, delaying treatment may worsen the condition.

Deferred treatment is not the only risk, however; some products and services are themselves dangerous. This is a concern the Commission takes very seriously. Safety is a primary criterion the Commission uses in its case selection process, as illustrated by our recent cases against marketers of products containing comfrey, an herbal product that, when taken internally, can lead to serious liver damage.⁽⁶⁾

III. Law Enforcement

The Federal Trade Commission, Food and Drug Administration, U.S. Postal Service, and state law enforcement and regulatory agencies all play a role in protecting consumers, especially seniors, from health fraud. Over the years, there has been a high degree of cooperation among these agencies, including the sharing of information and technical and scientific expertise as well as the coordination of law enforcement efforts. For example, to combat health fraud on the Internet, the Commission initiated Operation Cure.All,⁽⁷⁾ a comprehensive consumer and business education and law enforcement and regulatory initiative targeting deceptive and misleading Internet promotion of products and services as cures or treatments for serious diseases. In addition to the FTC, participants in Operation Cure.All include the Food and Drug Administration,⁽⁸⁾ several state attorneys general, and Health Canada.

The initial phase of Operation Cure.All consisted of two Internet surfs⁽⁹⁾ conducted in 1997 and 1998.

marketers made unsubstantiated health benefit claims were a DHEA hormonal supplement, St. John's Wort, various multi-herbal supplements, colloidal silver, comfrey, and a variety of electrical therapy devices.⁽¹⁰⁾

The following are illustrative of the kinds of claims that the Commission challenged in its Operation Cure. All cases this year:

THIS IS NOT A TREATMENT FOR CANCER: IT IS A CURE! . . . It takes 5 days to kill the parasites that cause intestinal cancer. The cancer is then killed (herbal product)

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 . . . (colloidal silver)

[T]here are . . . literally hundreds of scientific studies supporting the components of this breakthrough formula. Here are some of the most dramatic new findings. . . . And finally, a breakthrough study on nearly 1,000 subjects published in the prestigious journal of epidemiology showing a significant reduction in the risk for atherosclerosis. . . . the leading cause of death in Western nations. (anti-aging DHEA product)

Herb Veil 8 has been used in the successful removal of carcinoma, adenocarcinoma, and melanoma. (botanical product)

This formula is a "power house" 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..." (product containing comfrey)

Prior to this year, the FTC had filed eight Operation Cure. All cases. The challenged products include Cat's Claw,⁽¹¹⁾ shark cartilage,⁽¹²⁾

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evidence.⁽¹⁹⁾ In general, competent and reliable scientific evidence consists of tests, studies, or other scientific evidence that has been conducted and evaluated according to standards that experts in the field accept as accurate and reliable.⁽²⁰⁾

Given the number of companies marketing health products and our limited resources, we cannot

related teaser sites have received over 20,000 accesses from October 1999 through August 2001.

The Commission engages in an extensive industry education campaign. For example, in 1998 the Commission published "Dietary Supplements: An Advertising Guide for Industry."⁽²⁵⁾ This publication provides easy-to-understand explanations of advertising standards for the marketing of health products, along with many useful examples. In addition, Commission staff has sent more than a thousand email advisories to websites that are making questionable therapeutic claims. These emails alert website operators to the questionable nature of their claims and provide links to

9. In an Internet surf, participants use common search engines to find relevant Internet sites based on a set of predetermined search terms, for example, "cancer therapy." Once a site is identified, it is forwarded to a collection center, where the site is reviewed again to verify that it satisfies the selection criteria. In the two health claims surfs the FTC organized, the selection criteria were whether the site appeared to be making questionable claims that the product or service being offered was effective in the treatment, prevention or cure of cancer, arthritis, heart disease, HIV/AIDS, diabetes, or multiple sclerosis.

10. Press releases for Operation Cure. All cases filed this year are available at <http://www.ftc.gov/opa/2001/06/cureall.htm> and <http://www.ftc.gov/opa/2001/07/chrisenter.htm>. Cases filed this year include Panda Herbal Int'l, Inc., No. C-4018 (Aug. 8, 2001) (consent) (St. John's Wort and c-9(h)-1(e)15()pan <=>/>BDC /TT0 1 Tf -0.001 Tc 0-8(y)-8(e)-16(is)-8(y 8-8(y m)-16(.001 Tkt)-24(')-1(J)-2el l)-2 bc(J)-2r-8(y)-

821-22 note 59 (1984), *aff'd*, 791 F.2d 189 (D.C. Cir. 1986),