

Death of AMA-Backed "Pepper Bill" Hailed as Victory for Freedom of Choice in Health Care

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The so-called Pepper Bill, aimed at increasing the powers of federal agencies charged with policing distribution of medical products, has died in committee in the U.S. House of Representatives.

The demise of the bill — introduced by 84-year-old Congressman Claude Pepper of Florida — has been hailed as a victory by the groundswell movement across America which opposed the bill and the monopolistic medical measures it would have established.

The bill's death, however, does not mean an end to efforts by groups such as the American Medical Association (AMA) to restrict the types of health care available to American citizens. The conflict in American medicine is much larger than that shown by this defunct piece of legislation.

Conflict in American Medicine

In Mill Valley, California, physician Michael Gerber was stripped of his license to practice medicine following a four-year investigation prompted by a complaint filed by a competing cancer specialist.

In Alabama, the legislature passed a law making it a criminal offense for anyone to provide nutritional counseling unless that person is a registered dietician or possesses equivalent credentials.

A federal grand jury returned a seven-count indictment against a health food store chain, General Nutrition Center, and three of its officers, charging them with conspiring to defraud the Food and Drug Administration and violating the Food, Drug and Cosmetic Act.

All-Out Assault

Although all of these three incidents appear to be unrelated to each other, nothing could be further from the truth. Each of these incidents is an indication of an all-out assault on Americans' freedom to choose the type of health care they want for themselves and their families.

To understand why, one need only look at the history of the AMA and many of the organizations that have worked closely through the years with organized medicine. These include the American Cancer Society, the Arthritis Foundation, the National Cancer Institute, the National Institutes of Health, the Food and Drug Administration, the postal authorities, and the Better Business Bureau.

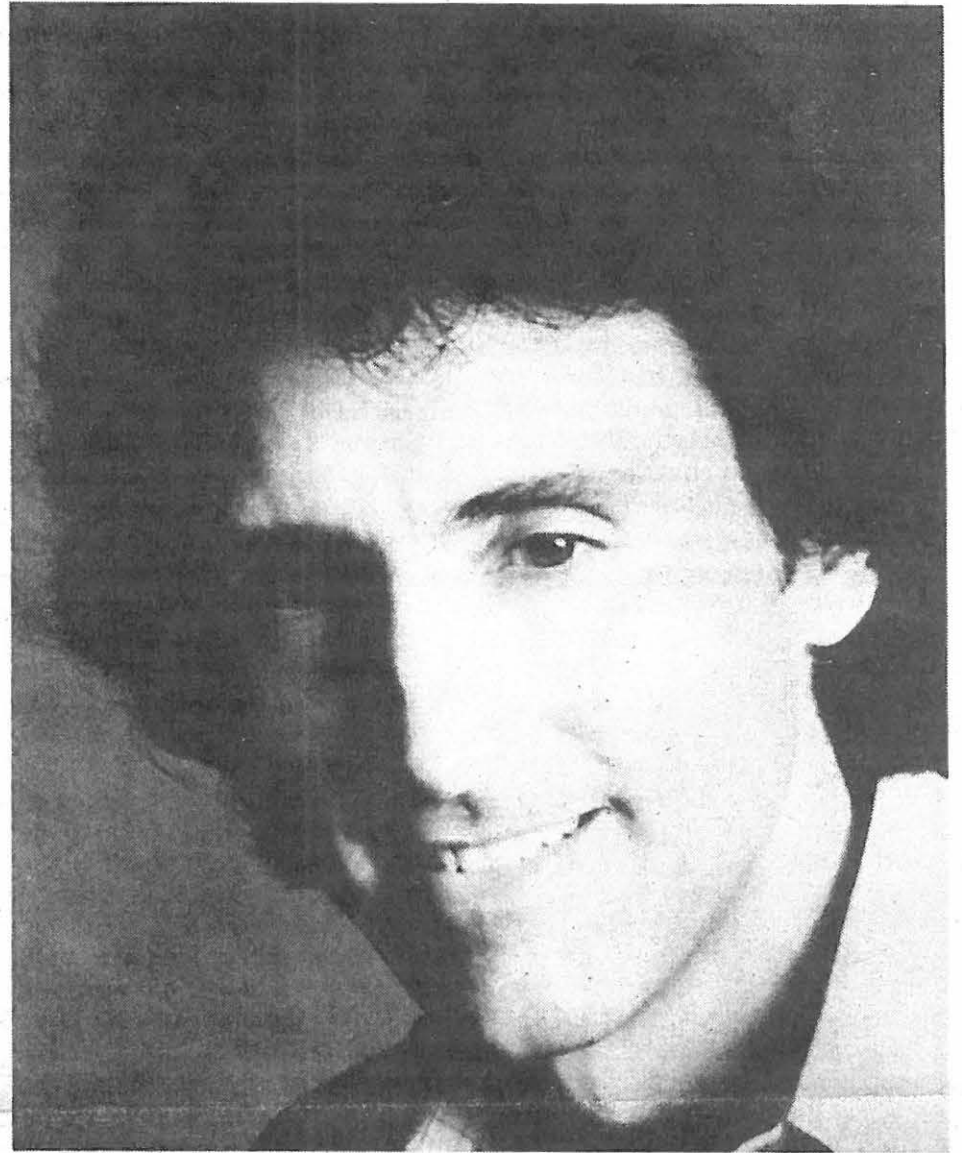
These organizations have had a long history of attacking health food stores, organic produce, the sale of vitamins, chiropractic, acupuncture, homeopathy,* osteopathy,** optometry and podiatry.

There has been a systematic

* homeopathy — a method of treating diseases based on the use of minute quantities of drugs or other remedies which, in larger doses, produce effects similar to those of the disease being treated.

** osteopathy — a medical treatment which emphasizes manipulation of the skeletal system and muscles to restore or preserve health.

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Gary Null

campaign to discredit all of these forms of alternative health care in professional medical journals, and through other media.

Alternative Care

During the past two decades, Americans have been exposed to an unprecedented volume of health information, and they have become far more discriminating in their choices of health care. No longer do patients blindly accept the advice of their family physician in cases of questionable diagnoses or of potentially dangerous therapeutic treatments. Second opinions are routinely sought by most patients when dangerous surgery or other radical therapies are prescribed.

This freedom of choice in health care would have been virtually wiped out if the Pepper Bill had become law.

Critics of the bill pointed to the fact that the very people who helped to frame the bill were those in the AMA and allied groups who, for years, had been bitterly fighting to wipe out alternative therapies.

It would be extraordinarily naive to presume that if the Pepper Bill had become law, these

same organizations and individuals, working closely with federal regulatory agencies and policing agencies, would not also have been called upon to give their opinions of the scientific efficacy of any device, therapy, product or service being offered by physicians, lay people or manufacturers from the very fields that they spent 25 to 40 years attacking.

A central clearinghouse would have been set up by the Pepper Bill to review and report on what would be considered acceptable and unacceptable, proven and unproven. One is led to predict that a monopoly on knowledge in this field would have been the result. The logic goes this way: Anything which is considered as yet unproven is redefined as disproven. And what is disproven is labelled as quackery. What is quackery is, of course, fraudulent.

When a physician is faced with the prospects of jail, bankruptcy and the ruination of his good name, it does not take much cajoling to persuade him that going back to strict, accepted procedures — regardless of their efficacy or safety — is in his own best interests.

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Medical Struggles

In matters of nutrition, Americans are rejecting sugar and sodium-laced foods for more natural foods, free of chemical preservatives and worthless calories. Health food stores have proliferated at a phenomenal rate, while supermarkets have expanded their offerings of natural foods, non-allergenic cosmetics, and vitamins.

Additionally, disease patterns have changed during the past few decades, causing a reorientation of the thinking of many physicians. Formerly, infectious diseases were the principal causes of death. Today, chronic degenerative diseases such as cancer, diabetes and cardiovascular disorders are the principal causes of illness and death in the United States. Many diseases may respond to diet, exercise, and lifestyle changes.

These approaches, however, are *not* generally accepted by mainstream medicine.

James C. Whorton, associate professor of biomedical history at the University of Washington, has recognized these preferences as more individuals are favoring and leaning toward what is known as "alternative therapies." Describing the search for new alternatives he wrote:

"The impersonal, dehumanizing tendencies of an orthodox

The competition between orthodox medical practitioners and those who seek a new road to better health threatens a medical industrial complex which last year amassed nearly \$1 billion a day in the U.S. That is more than 11 per cent of our annual gross national product (GNP) and, at the current rate of increase, it is expected to hit \$1 trillion a year or 20 per cent of the GNP by the year 1993.

With nine million people turning to chiropractors last year and thousands more seeking out the services of acupuncturists, naturopaths and herbalists, the American medical establishment is fighting back and is investing huge sums of money in the war.

Dr. Michael Gerber

Orthodox physicians are turning increasingly to the courts and legislatures in order to consolidate their control on health care.

In the case of Dr. Michael Gerber, for example, a competing cancer specialist lodged a complaint against the holistic practitioner after the specialist was informed about a patient who died following treatment at Dr. Gerber's clinic.

Testimony given in the case revealed that the patient had terminal cancer and was being treated nutritionally by Dr. Gerber in order to strengthen her immune system. The patient's family had not lodged any com-

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medicine committed to specialization and sophisticated technology has set off a reaction demanding holistic care — care that treats the whole patient as a complex individual whose health is determined by the interaction of his mind and spirit, as well as work and home environment, with his body."

When it comes to preventive medicine, it is unfortunate that the majority of physicians practicing in America have not been trained in such methods beyond giving vaccinations for preventing certain diseases. They know little to nothing about the effects of proper nutrition and optimum diet on the human body.

plaint against Dr. Gerber and, in fact, protested the proceedings initiated by his competitor.

Nevertheless, the California Bureau of Medical Quality Assurance voted to strip Dr. Gerber of his license to practice, forcing him to discontinue offering his patients a nutritional alternative for the treatment of cancer and other metabolic disorders.

Since most holistic health practitioners rely on modification of diet and nutritional supplementation as an integral part of their treatment for chronic degenerative diseases, the medical establishment has decided to seek laws restricting the right of persons to give nutritional advice.

The American Dietetic Association (ADA) and its state affiliates are promoting legislation designed to *establish a monopoly* on the giving of nutritional advice.

Legislation such as that passed in Alabama makes it a criminal offense for anyone other than a registered dietician, or the equivalent, to offer advice to consumers regarding nutrition and dieting. While the legislation was quietly passed in Alabama, the next eight states to consider the measure rejected it. The ADA is

worked with the congressman during his six-year investigation into this alleged problem.

Using worst-case scenarios and extreme examples to make its point, the committee report identified obvious health frauds and quack medical devices in order to justify its request for strong legislation.

Part one of Pepper's legislation would have created a clearinghouse for consumer health education and information within the National Library of Medicine. As

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promising to re-introduce the legislation, however, in the states where it has failed, and also in all other states throughout the nation.

Open War

Claiming that existing laws at both the federal and state levels were inadequate to deal with the supposed problem of health food and product fraud, Congressman Claude Pepper declared open war on "quackery."

The list of witnesses invited to testify at Congressman Pepper's "quackery hearings" in Washington, D.C., last year read like a "Who's Who" of the medical establishment.

Those who gave testimony and supported this legislation were in fact the same people who waged the clandestine war in an effort to harass and discredit groups and individuals involved in alternative approaches to health care.

Some of the groups involved in this secret alliance were the American Medical Association, the National Health Council, the Food and Drug Administration, the Federal Trade Commission, the American Cancer Society, the Arthritis Foundation, the American Pharmaceutical Association, the Council of Better Business Bureaus, and the United States Postal Service.

Spokesmen for a number of these organizations, including the American Medical Association, testified in unison that strong federal legislation was needed to deal with the growing "menace of health fraud."

Not a single holistic practitioner was invited to testify before Congressman Pepper's committee, however. The result was a report confirming the personal beliefs of the committee staff, which had

innocuous as this may sound, it would actually have served to limit the amount of information available to health consumers, rather than to fully educate them. Drugs and therapies approved by the American Medical Association and the Food and Drug Administration would have been listed as good for consumers. Therapies not yet proven to the satisfaction of these overseers would have been labeled as quackery and their proponents targeted for swift elimination.

Another part of Pepper's legislation was designed to greatly increase the criminal penalties already mandated for promoters of health devices and drugs determined to be fraudulent. Existing penalties ranging from six months to one year imprisonment would have been increased five- and ten-fold, while monetary fines would have been increased to as high as \$10,000 per infraction.

Seldom has any legislation been proposed that would enhance criminal penalties ten-fold for a single infraction. The proposed legislation would have amended the Food, Drug and Cosmetic Act, the Federal Trade Commission Act, and the U.S. Criminal Code dealing with mail fraud.

This exaggerated effort to combat "health fraud" would have granted federal agencies Gestapo-like powers to make raids on physicians and health food stores in order to secure evidence for criminal prosecutions. Those practitioners and products that did not meet with AMA and FDA approval would have been targeted for prosecution and elimination.

The third and most threatening aspect of Pepper's legislation would have been the establish-

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ment of a "strike force" composed of representatives from the Food and Drug Administration, the U.S. Postal Service, the Federal Trade Commission and the Justice Department. This strike force would have been responsible for development of a plan to eliminate "quackery" in this country.

Those practitioners and promoters of health remedies that were not establishment-approved would have been placed on a "hit list" and scheduled for termination.

Hundreds of health advocacy groups voiced opposition to the Pepper legislation and its destructive ramifications. These consumers feared that their access to alternative health care would have been jeopardized by the limitations sought by this AMA-backed legislation.

Strong lobbying by the AMA and its affiliated organizations was not enough to overcome the many people equally determined to fight for preservation of "freedom of choice in matters of health care."

With the medical battle moving out of the pages of medical journals and college classrooms and into the halls of Congress, state legislatures, and the courts, we are witnessing a new form of scientific debate.

organized medicine and medical practice, the out-of-control budget of medical care in this country, iatrogenic (drug and/or doctor produced) illness and death, unnecessary surgery, the massive amounts of prescriptive medication, and unproven therapies — from coronary bypass to aspirin therapy — within orthodox medicine.

Neither did the bill address the matter of disproven therapies, known to be dangerous and known *not* to be effective, which are nevertheless widely used by the orthodox medical establishment — with various forms of chemotherapy included.

Beleaguered Medical Establishment

As a beleaguered medical establishment struggles to reverse its weakening grip on the health care industry in America, alternative health practitioners and their patients are gearing up for an all-out campaign destined to become a priority issue in the legislatures and the courts of our nation.

The Pepper Bill, in effect, would have legitimized and protected the purveyors of a medical monopoly and at the same time brought to an end or driven underground any other approaches to better health.

The bill allowed no room for innovation. Anyone electing to differ from the orthodox perspective would have been branded a heretic. Violators, instead of being burned at the stake, would have been imprisoned and/or fined.

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No longer able to convince the public that its high-tech, high-priced health care is the best alternative, the medical establishment is attempting to eliminate the alternatives and thereby secure a monopoly. Health consumers fearful of the ramifications of such a monopoly are being urged to fight monopoly-supporting legislation at the federal level and work to ensure that equally distasteful legislation is not introduced in the 50 states.

Failure of the Pepper Bill

The Pepper Bill did not address the documented negligence of

Freedom of Choice

The death of the Pepper Bill shows that Americans can be effective in combating potential encroachments on freedom of choice in health matters.

Unless we continue to do so, there could well be no option other than the traditional disease-oriented treatments of establishment medicine — primarily drugs, surgery and radiation.

Freedom of choice in health care, in the final analysis, is like any other freedom in America: its continued existence depends on American citizens who work to maintain their freedoms. ▲