

# National Health Federation

## BULLETIN

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*Americans  
Crusading  
for Better Health*

**25¢**

**January 1965 • Volume XI—Number 1**

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## DAVID SILENCES GOLIATH

The National Health Federation's New York Health Monopoly Congress was such a success and the addresses given were so outstanding that we are using the first portion of the **BULLETIN** to bring you news about it and to reproduce two of the addresses and an important message from the Federation's General Counsel. Our congratulations to Clinton Miller, the New York Chapter, and the others who, working together, did such a marvelous job.

### *Family Circle*

By Fred J. Hart

**THE FAMILY CIRCLE WILL BE** short and sweet this issue, because we have so much important material for the **Bulletin**.

**SINCE LAST ISSUE** the Federation as David again encountered Goliath in New York City and again scored a real victory. News of this event is included in this issue as well as some of the addresses given at the Federation's Congress on Health or Medical Monopoly. Other addresses will be included in future issues.

**THE FEBRUARY ISSUE** will bring you reports connected with the Tenth Annual Meeting and Convention of the Federation which was held in Los Angeles, California, on December 30 to January 2. It will also include a new feature, edited and contributed by Betty Franklin of Fairfax, California. This will be a monthly feature, and we know of no one as well qualified as is Betty to do this job. This column will eventually cover the entire subject of water pollution.

**ALL FEDERATION MEMBERSHIP DUES** not already paid for 1965 are due and payable on January first of each year. Please look at the address on this **Bulletin** adjacent to your name. If the last numerals read 64 it means your dues are due and payable, unless you have paid your dues within 20 days prior to the date you receive this **Bulletin**. **IT WILL HELP THE FEDERATION A GREAT DEAL IF MEMBERS WHO HAVE NOT ALREADY DONE SO WOULD PAY THEIR DUES PROMPTLY.**

**THANKS TO ALL MEMBERS** who, in response to our letter sent out the last of October, have paid their dues in advance. This has been a great help to the Federation staff and to your President in planning for the future.

**THANKS ALSO** to all of our members who when sending in their dues have included extra money for the support of the Washington Office. We also appreciate the extra contributions from those of our members who had already paid their dues in advance.

**THE WORK OF THE FEDERATION** has also been greatly helped by the many members who have raised their memberships from regular to either sustaining or life members. We can still use about 75 more life members to bring our total to the 500 limit.

**IT WAS INDEED A PLEASURE** to meet so many of our members at our great Tenth Annual Meeting and Convention. Indeed it has been a great privilege and honor to serve as President of the National Health Federation for the past 10 years. The future of the Federation is very bright indeed, and I am sure the high quality and dedication of its membership will cause it to grow in numbers, power and usefulness.

## The NATIONAL HEALTH FEDERATION BULLETIN

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*Adventures on Health Frontiers  
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JANUARY

1965

### **N.H.F.'s New York Health Monopoly Congress Silences AMA-FDA "Anti-Quackery" Show**

By Clinton R. Miller

**"DOCTORS WHO CALL OTHERS  
QUACKS OUGHT TO EXAMINE  
THEIR OWN BIG BILLS"**

**"REMEMBER THALIDOMIDE?  
TALK ABOUT QUACKERY!"**

**"HEALTH FREEDOM IS NO  
QUACKERY!"**

**"WE DEMAND HEALTH FREEDOM  
NOW"**

These and other signs were prepared by Jay Dinshaa, the dynamic new expansion director for the Natural Hygiene movement in America, to be used when necessary by the National Health Federation to combat the American Medical Association-Food and Drug Administration's recent jointly sponsored New York "anti-quackery" congress.

Jay's welcome assistance was typical of that offered by many others as the N.H.F. prepared to do battle in its fourth round with the AMA-FDA. Publicity was ably handled by Arthur Cordts, President of the New York Chapter of the N.H.F. Mr. and Mrs. Woodhull, secretaries, and Carol Gaines worked around the clock getting out notices of the meeting held on very short notice by the N.H.F. at the Commodore Hotel to tell the news media the other side of the health controversy.

#### **Short Notice, but Goliath Found David Ready**

Early in November, the AMA-FDA announced that they were sponsoring another regional "anti-quackery" congress to be held at the Park Sheraton Hotel in New York, November 20.

They had reserved the sumptuous Corinthian Room which seats 350 or more. But when their meetings were finally held, only 22 attended. Furthermore, not a single press release was issued by them. Not a single blast was made at health food stores, or chiropractors, or door-to-door vitamin sales people—or anyone. They were as quiet as dumb ducklings. They didn't even peep a "quack" at anyone.

We told reporters the AMA-FDA had backed down. They couldn't believe us. So they went over to the Park Sheraton. When asked by the press and radio reporters for a statement, FDA-AMA spokesmen acted surprised and said that they weren't holding a general quackery meeting, but just a "staff-meeting"—and it wasn't open to the public or the press. When unbelievers commented on the size of the room to hold a "staff-meeting" for 22, there was "no comment."

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## David Holds Congress on Health Monopoly

Meanwhile, back at the Commodore Hotel, the N.H.F.-sponsored Congress on Health Monopoly was attended by capacity crowds. Representative David King (D-Utah) was our first speaker, and the hall was packed with dozens standing. The popular Congressman who has just been re-elected to his third term spoke on "The Right to Choose One's Own Doctor and Diet." He received a standing ovation.

### Other Outstanding Speakers

Other speakers on the program were Milton A. Bass of the New York City law firm, Bass and Friend, which is compiling an imposing string of court victories over FDA; the ever-popular Carlton Fredericks whose 60 radio stations carrying his daily health broadcast dropped to five a few months ago when a combined attack was made against him by FDA and the FCC (Federal Communications Commission) but which is back up to over 60 again and is growing; Charles Orlando Pratt, general counsel for N.H.F.; Clarence W. Wiandt, D.C., Ph.D., who gave an excellent talk, "Medical Myths About Chiropractic"; Dominick F. Paduano, former Water Commissioner of New York City, who told our audience "The Reasons Why New Yorkers Will Eventually Reject Fluoridation"; Herbert Bailey, author of a new bound-to-be-best-seller, **Your Key to a Healthy Heart—The Suppressed Record of Vitamin E** (who autographed books and gave the profits to the N.H.F.); Reverend Charles N. Herrick, who gave "The Philosophical and Theological Foundations for Humane Treatment of Animals Used for

Medical Research; Attorney Irving Davidson; Sylvia Rosenheck, who spoke on "The Constitutional Questions Raised by the Don Sullins and Gian-Cursio Cases"; and our final speaker was the grand old 81-year-old Joseph Broadman, M.D., who told of his recent law-suit victory over the Arthritis and Rheumatism Foundation who regretted having called him a quack. Dr. Broadman's suit resulted in a retraction and a substantial cash payment.

### Fourth Congress

The New York Health Monopoly Congress was our fourth such meeting simultaneously held with AMA-FDA congresses on "Medical Quackery." Our first was held in Washington, D.C., October 25-26, 1963, our second at Baton Rouge, Louisiana, and our third had just been held at Portland, Oregon. At the first three, the FDA and AMA were, frankly, "clobbered." The press and radio gave us more than a fair shake. Three times in a row the press had proved fair and friendly to the N.H.F. and cool, though courteous, to the AMA-FDA. So on the fourth (New York) encounter, AMA-FDA withdrew from the battlefield rather than risk the public gaze and our counter-attack.

Perhaps it was because the AMA-FDA didn't want to risk a debacle in New York similar to the ones in Washington, D.C., Louisiana, or Oregon. Perhaps it was because they learned that for the first time at any of our Anti-Monopoly Congresses we had a U.S. Congressman. Or maybe they realized they had underestimated the N.H.F.'s ability to finance a fourth Health Monopoly Congress in

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# The Right to Choose One's Own Doctor and Diet

By David S. King, Member of Congress

**Speech delivered before the N.H.F.'s New York Congress on Health Monopoly, November 19, 1964.**

I am grateful for the opportunity to appear at this Congress on Health Monopoly. I do not come here flying false colors. I am not a nutritional scientist. I am an attorney and a Congressman. I do have, however, a strong interest in health and nutrition. The church of which I am a member has taught me all of my life that physical and spiritual health are closely related. The overcoming of poor health habits represents a great step forward in man's quest for spiritual perfection. Clean living, the avoidance of stimulants such as tea, coffee, tobacco, and alcohol, the eating of wholesome herbs and other products of the soil, in the season thereof, these have been part of my health training from my youth. I have my own opinions, therefore, about what should be done to take care of my body, but those opinions are irrelevant to the purpose for my being here tonight.

I come here, not to throw scientific light on the subject of health and nutrition, for I am not qualified to do so. Nor do I presume to take sides in the ancient and sometimes bitter controversy among the various schools of thought relating to the healing arts. My function is not to choose between the various gladiatorial contestants now appearing in the arena of public health.

My purpose for being here is only to plead that the intellectual contest now evolving be kept fair, and consistent with the best liberal American tradition. Americans abhor a fixed fight, or a stacked deck. If America is to provide the forum for a much-needed national debate on the therapeutic value of nutritional supplements, then let that debate be authentic. Let it allow to all sides of the controversy the freedom to express their respective points of view.

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a little over a year. Whatever the reason, they pulled off the battlefield, and we were left, like Liston, ready to do battle, but with our opponent at the hospital.

### Good Radio and TV Coverage

Nevertheless, Arthur Cordts did (and is still doing) an excellent publicity job. When it was found that the New York AMA-FDA anti-quackery congress was not going to issue press releases, it took the news value out of our jointly sponsored "battle." But Mr. Cordts shifted his efforts to the radio and TV stations. As this report is being written, we have appeared on six full hours on NBC and

WOR, and have five more hours scheduled for December. It is estimated that in excess of 5,000,000 listeners will have heard our side of the story as a result of radio coverage.

### N.H.F. (as David) Will Be Ready

The first "National Congress on Medical Quackery" was held in Washington, D.C. in October, 1961. The second "National Congress on Medical Quackery" was held two years later, October, 1963. The third is due in October, 1965. We'll have a whopper of a Health Monopoly Congress in 1965 in D.C. if they hold their third.

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If this cannot be done, then the debate will have served no purpose, and the American mind will remain unenlightened by this futile exercise in fraudulent forensics.

I am aware that various extremists in the scientific world, representing all sides of this nutritional controversy, take the position that there is nothing to debate, that as far as they are concerned the whole subject of nutrition is a closed book. In all fairness, however, it must be conceded that this does not represent the dominant consensus, even among the orthodox. In view of our national expenditure of something in the neighborhood of \$44 billion a year to fight off illnesses of all kinds, it is quite apparent that we are sicker than we dare to admit; and as long as this is a fact, then let us also admit that a continuation of this dialogue is a useful and necessary thing.

Speaking as a layman, and an American citizen, I cannot help but express alarm over some of the conduct which we have all witnessed. I have seen supposedly scientific men, representing various sides of the controversy, utter statements which were so obviously filled with emotionalism and bias as to be unworthy of credence, even by a layman. I cannot refrain from wondering why it is that great men of science, dedicated to public health and to the acquisition of pure truth, cannot agree on basic ground rules which could serve to reconcile divergent scientific viewpoints, and advance the cause of public enlightenment. My plea, tonight, is not that a particular point of view regarding therapy or nutrition prevail. My plea is for the prevalence of a spirit of reasonableness, and, above all, for a spirit of intellectual freedom, in order that the massive questions bearing upon the health of the American people might be quickly resolved. Even while we talk,

there are many dying who might otherwise live, if the full light of truth were theirs.

Last year I was asked by the Voice of America to prepare a series of scripts for world-wide broadcast, commemorating the 175th anniversary of the ratification of the Constitution of the United States. The Program Director gave me a little briefing before I began my task. He said:

"Mr. King, I want you to tell the story of the American Constitution in language that will appeal to tens of millions of people behind the iron curtain who know very little about how constitutional democracy actually works."

He then went on to say: "It won't do any good to just quote from our Constitution. Many of your listeners live under written constitutions having much more to say about freedom than ours does. But those statements are often meaningless. The people have become very skeptical about such constitutions and their impressive protestations of liberty. To a man languishing in prison as a result of his having had the courage to speak his mind, a symphony of beautiful words about the sacred right of free speech will sound hollow indeed. What you must do is to show your listeners that in America, freedom really means something. It really changes men's lives. Show them that the Constitution really works."

With this admonition, I undertook my assignment.

In one of my scripts I talked about the Great American Dream. I pointed out that over the past 100 years, some 40 million persons left their homes abroad to come here to the Promised Land. The drawing force which brought them here was not alone the hope of sharing in America's fantastic productivity and wealth. What really brought

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them here was the Great American Dream. This dream was compounded of two simple but transcendently beautiful ideas: freedom, and equality before the law. Freedom included, not just physical, but intellectual freedom.

Part of the American dream, in other words, consisted in the principle that no man should be discouraged by the law from expressing himself, as long as that expression did no harm to others. The market place of ideas should always be kept a free market.

American history has demonstrated to what extent our fantastic progress has been due to the maintenance of this free market place of ideas.

One does not have to be a psychologist to understand that when a particular point of view finally achieves orthodoxy, and constitutes the basis for a billion-dollar establishment, those who stand to gain from the perpetuation of that establishment will strongly oppose any competing point of view. This is the way the human mind is put together. Scientific minds, alas, are no exception. The stubborn refusal of the scientists in the employ of the tobacco trusts to accept what every other knowledgeable scientist now holds to be beyond scientific refutation, relating to the deleterious effects of tobacco, is a case in point.

The struggle between orthodoxy and heterodoxy is as old as human thought. The traditional weapons employed in this struggle are ridicule, ostracism, and legal proscription.

This has been the perennial pattern during the course of American history. But not infrequently there has appeared on the scene a courageous amateur, who, standing outside the "establishment," and condemned by the voice of orthodoxy, has succeeded in influencing the course of history by revealing to mankind a new and revolutionary truth. He

was able to accomplish this *tour de force* because, being on the outside, he could more clearly see those things to which the insider was completely blind. Examples of this in American history are so legion as to be almost commonplace.

Dr. James Stephenson, speaking to this group a year ago, put it this way: "New scientific breakthroughs often come from amateurs like Pasteur, a chemist, who founded the science of bacteriology; and Mendel, a priest, who founded the science of genetics. This paralleled a similar period of technological expansion in the United States of America, also inaugurated by amateurs, such as Morse's telegraph, Bell's telephone, McCormick's reaper, Shole's typewriter, and Fulton's steamboat."

George Washington, during his last illness, was bled repeatedly to lower his fever while the scientific though minority treatment was denied him because it was deemed quackery to keep pneumonia patients warm. Orthodoxy thus indirectly killed the father of our country, though life-saving treatment was already in existence, but vetoed by the majority of practitioners as "radical."

It is reported that Dr. Alexander Fleming, famous pioneer of penicillin, said:

"Penicillin remained on my shelf for 12 years while I was being called a quack by orthodox practitioners."

William James, father of American psychology, and himself a physician, has aptly described the three stages encountered by any new treatment:

(1) Entrenched orthodoxy calls it quackery and nonexistent.

(2) Then it is admitted to exist but is written off as unimportant or useless.

(3) Finally, its foes exultantly claim, "We helped to discover it."

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Let me emphasize again that my purpose tonight is not to choose sides in this debate between orthodoxy and heterodoxy. I concede that advocates of all points of view have at various times been guilty of intellectual transgression. My plea is that each participant in this great national debate be fair in according to the other participants the privilege of a full hearing.

Let me also make it clear that in all fairness we must admit that heterodoxy has no particular virtue *per se*. History tends to fix its attention on those relatively few cases where heterodoxy triumphs over orthodoxy, and ignores the vastly greater number of cases where heterodoxy later proves to be absolutely worthless, and is thrown on the intellectual scrap heap. But the whole point is that society will never know whether the heterodoxy is worthy of survival, unless it is given a fair hearing.

Our founding fathers realized the importance of this. For that reason they made it so clear, and in language which the simplest could understand, that there should be no restraint by the national government upon a citizen's right to express himself freely, and without fear of reprisal. In this way, America's intellectual stream was to be continually enriched and purified.

The framers of the Constitution recognized that the right to speak freely necessarily involved the risk to society of being subjected to error. But this risk they were willing to take. Jefferson made it very plain that he saw no danger in a man's propagating an untruth, as long as truth was left free to combat it. The antidote to error was not silence, but truth.

But since one could never tell beforehand what was truth and what was error until there had been a direct confrontation in the field of combat, it was most

important that this field be left open to all of the combatants.

My observation has led me to believe, however, that today, in matters pertaining to the pursuit of health, we are moving away from this traditional American attitude of freedom and fair play, and are resorting to the old techniques of ridicule and legal proscription.

Let me give examples. Some of the opponents of the so-called "health-food" approach to disease have launched a crusade against "quackery," and, indeed, three years ago sponsored their first "Congress Against Quackery." This congress, I am told, was carried on in a carnival-type atmosphere. According to the *Washington Star*: "... the entrance ... was decorated with flashy blowups of terrifying quack devices. At the door a large sign proclaimed: 'Cherry Tonic Sold Here.' These were in the nature of decoys, of course. ..."

These devices were undoubtedly calculated more to inflame than to illuminate.

From time to time, national releases have been made which were designed to ridicule quacks, and which, by clear inference, also ridiculed those other persons who were not quacks, but whose approach to health was considered unorthodox. Broad and unsupported generalizations have been made, and blanket condemnations resorted to. Those who dared to question such basic propositions as "America is the best-fed nation in the world, and any person who patronizes every section of a large food store will have no dietary deficiencies" were held up to ridicule and contempt. A recent government catalogue which identified certain quack remedies also made the categorical statement that "daily use of common foods such as vegetables, fruits, milk, eggs, meats, fish, and whole-grain or enriched bread and

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cereals will supply all nutritional needs," and concluded that no vitamin or mineral supplements were ever necessary. The clear inference of this statement, considered in its context, was that all purveyors of vitamins and mineral supplements, or so-called health-foods, were quacks, and therefore to be condemned. Further examples of this type of unfair generalization could fill many pages. We read of them almost every day in the newspaper.

Now, let me make my position crystal clear. It is freely admitted that there are quacks in the so-called health-food movement. The streams of humanity are polluted with sharks of every variety who prey on human misery. I have seen some medical claims that made me cringe. Some insulted my intelligence.

In passing, however, it must be added that every controversial movement has its so-called lunatic fringe. This phenomenon is inherent in the nature of human psychology. Good things, as well as bad ones, attract extremists. The amount of quackery which has invaded the legitimate field of orthodox medicine, with its extravagant claims and its unjustifiable practices, is certainly considerable. Yet no rational person would cite this as a valid argument to condemn the practice of medicine.

I happen to be a Christian. I would be aghast, however, if a critic were to judge the worth of the Christian religion according to the behavior of those violent and sometimes irrational extremists who attach themselves to it. Were I a member of the Jewish, or the Islamic, or the Buddhist faith, the same statement could be made.

I do not question the right of the medical profession to expose with every legitimate device known to it the practices which they are convinced are either fraudulent or quack. I do not question

their right to hold a congress on quackery. Consistent with the great American tradition of free speech, I consider their right to speak up against medical quackery as sacred. Indeed, I would be happy to join them in that fight, as would every fair-minded person. It goes without saying that I support the medical profession, and the law, in raising professional standards, and in barring from practice all those who have not demonstrated acceptable professional excellence.

But where I do part company with some of my friends is in their unjustifiable practice of framing their denunciations so broadly as to condemn an entire area of human thought, much of which is sound and productive of good. In throwing out the chaff with their scoop shovel, they have not bothered to first sift the wheat. I do not believe that any reputable scientist would have the effrontery to stand up and say that all of the mass of information that has been gathered by thousands of dedicated scientists and practitioners in the field of pure food, nutrition, and dietary supplements is quackery, and yet many of their releases carry this clear implication. The whole subject has been bathed in such a deluge of emotionalism that the cause of scientific inquiry has been unnecessarily retarded.

This is the area in which I feel that some have committed grave error. They have departed from the best American tradition of fair play and freedom of speech, and have resorted to pressure tactics, through ridicule and unwarranted generalizations, to stifle the pursuit of truth.

Let me turn my attention for a moment to the Food and Drug Administration. In my opinion, this organization has gone further than was necessary to carry out the intent of the law in employing legal sanctions to suppress

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the free and proper exchange of information in matters of health.

Again, let me make my own position crystal clear, for this is an area in which misunderstandings are easily created. I readily concede to the Food and Drug Administration, and its allied agencies, the responsibility and the duty to safeguard the health of the American people. Consistent with this duty, they are required to vigilantly examine, and approve, all products ingested as food. Those which are proven to be deleterious, or which are reasonably suspected of being deleterious, or which involve even the possibility of being deleterious, are to be withdrawn from the market forthwith. For the accomplishment of this purpose, summary powers must be exercised, consistent with the nature of the danger. To weaken the enforcement powers of the FDA in this field of activity would be to strike a blow at the safety and the health of the American people. The terrible experience recently encountered abroad with the drug thalidomide gives dramatic evidence of this proposition.

In fact, with the advent of so many new chemical additives to the food which we customarily buy, my feeling is that FDA will probably need even broader powers to cope with these incipient dangers. No one would question the right of the FDA to move summarily against a drug which carried with it the potential danger of thalidomide, for example. It is like a time bomb on the verge of explosion. Expeditious remedies are needed. Most reasonable people agree that where human life is at stake, certain sacrifices of liberty must be made. In fact, in my opinion, the FDA will find it necessary to do an even better job of stamping out deleterious drugs and chemical additives if our health is to be preserved. I will vote to give it

such powers as it may reasonably need to accomplish this purpose.

Let me add the further thought that no one questions the right of the FDA to require truth in the advertising and labeling of food products. The public has the right to know that what it is buying is consistent with the representations made on the label or the advertising media. I do not believe that any reasonable person can question this proposition. It was established by law over 60 years ago, and is not subject to serious question today.

But the legitimate use of governmental power to suppress harmful foods and misleading advertising is not what concerns us here. What we are here concerned with is the situation where the FDA uses its tremendous powers to unduly harrass an author, for example, or to seize his books, for what are, in my opinion, inadequate reasons. We are assuming in this case that the book does not express an opinion which is damaging to health, and that it does not involve the promotion of the sale of any product through misrepresentation.

It is true that the law does not give to the FDA specific authority to seize a book simply because it is unorthodox. But the FDA has assumed the authority to do so where the book is used in conjunction with the sale of a product for which allegedly fraudulent claims have been made through some other source, even though the connection between the book and the product was very remote indeed. By interpreting its authority broadly, the FDA has very effectively placed a censorship on the book itself. It has cited, as one of the reasons for so doing, the fact that the book is not accepted by the dominant medical consensus. This, then, raises a very precise and fundamental legal question: Should

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a federal agency have the power, through indirection, to censor a book for reasons of the heterodoxy of its content, where it is admitted that the book is neither harmful to human health, nor immoral, libelous, nor misleading in the sale of a specific brand product? It is difficult for me to see how any person familiar with the great American tradition of the free market place of ideas could answer this question in the affirmative.

I call attention again to the fact that it is no argument in favor of such a proposition that people must be shielded from error. The keystone in the great arch of constitutional democracy is the concept that people must be protected, not only in their right to be right, but in their right to be wrong. To put it bluntly, if I want to choose a particular doctor, or a particular nutritional regime, why should I not have that right, as long as the doctor meets the prescribed standards of professional excellence, and as long as the nutritional regime has not been demonstrated to be positively harmful to human health?

I might add, at this point, that I see no analogy between the right of the state to require its citizens to take certain health precautions which science has concluded will avoid serious illness or death, on the one hand, and the alleged right of the state to shape the thinking of its citizens in those controversial areas of health where imminent illness is not involved, and where scientists are far from unanimous in their conclusions. In other words, the right of the state to require inoculations or quarantine cannot be cited as precedent to justify their right to censor a book which advocates the use of food supplements for therapeutic purposes.

There is another area in which the FDA, in my opinion, has used its enormous powers excessively, and that is the

area of **trial by adverse publicity**. Many cases have come to my attention where the FDA has issued extremely damaging press releases preparatory to filing an action to repress the use of certain food substances, or certain food labels. In some cases, the defendant, or libellant, was later completely exonerated, but only after the adverse publicity had completely wrecked him. The circumstances in some of these cases strongly suggest that the FDA has used its power of press release, not just to inform or warn the public, but to suppress an unfriendly, or unacceptable, point of view.

Let me make clear that I am not talking about those cases where there is present a clear and immediate danger to human health. In such a situation all agencies of propaganda should be available to the FDA to protect the public against harm. We are referring, here, to those situations in which there is no danger to human health, but only a bona fide dispute as to the efficacy of a particular remedy to accomplish its intended objective. From a practical point of view, it must be acknowledged that through the aggressive use of press releases and legal processes, the FDA has it in its power to commercially destroy almost any product which it desires, even though that product might later be proven to be of immeasurable benefit.

I have tried to point out several areas in which **the right to honestly dissent in matters of nutrition** has been seriously curtailed. I feel that some basic American rights have been trampled on. I have tried to be reasonable and unsensational. I make no blanket condemnation of the FDA or any other group. I willingly recognize the monumental contribution of those dedicated scientists whose discoveries constitute today's medical orthodoxy. I also pay

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tribute to the FDA for that which it has done to safeguard public health. There is no other body of comparable importance in America today which is in as good a position to represent the interests of all the people in matters of health, and which is beholden to no commercial or special interest. With all of its weaknesses, America must still look to it as the most effective guardian against the encroachments of deleterious foods. Our course must not be one of fighting against, but of co-operating with, this great federal agency.

In the spirit of reasonableness, I am willing to concede much. **But there is one principle which is too basic and too sacred to me to allow any concession, and that is the principle of freedom to pursue my intellectual quest wheresoever I will.** Whether it be in politics, or religion, or nutrition, the same grand principle of freedom is equally operative. I do not take kindly to any man or organization assuming the prerogative of forcing my thinking into any predetermined channel. For the FDA to make available to the public the results of its scientific findings is excellent. No one will object. But to go that extra step of suppressing information which is antagonistic to its findings, and of using various legal, social and economic pressures for requiring me to adopt its findings is something which I will resist.

May I thank you for your patience, and wish you success in your self-imposed pilgrimage which will carry you, I hope, past the gates of despair, and into the beautiful kingdom of health.

**N.H.F. Editor's Note:** The foregoing address by Congressman David S. King is so outstanding that it is our hope that after reading it our members will send it to their Representatives in Congress. It is a wonderful analysis of what's wrong, coupled with sound suggestions as to how to remedy the situation.

## ***From the Secretary's Desk***

**By Howard Long**

We are happy to announce the formation of ANOTHER new Chapter, in St. Louis this time. Congratulations to President Glen Chalmers, Dr. J. Gallo, Treasurer, and Frank J. Kersten, Secretary. The first meeting gleaned one life and 29 regular members. Our best wishes to this new group.

### **Obvious Danger**

The **Health Bulletin** has announced that a recent law suit awarded \$120,000 to a man who contracted poliomyelitis in 1962 as a result of receiving polio inoculations.

### **How to Fight Opposition**

Recently, a damning article appeared in the **Los Angeles Times**. The American Nutrition Society, the American Academy of Applied Nutrition, N.H.F., and the health food industry were "torn apart." Your Executive Secretary drafted a ten-page letter after negotiations had failed to cause the reporter to write a series of articles "reversing" his position. The letter embodies information that can be extracted and used by anyone to answer untruthful attacks now regularly appearing in most newspapers or on radio throughout the country. You should have this information at hand. If you are interested, send your request and 25¢ to N.H.F. Headquarters. Reprints will be available by Jan. 15.

### **Beware**

A member recently asked me about a new chemical which is being used on fruits which he saw mentioned on a container. The chemical was Sodium O-Phenylphenate. It seems this chemical is also used in many industrial endeavors. It can cause death if as little as 1.5 grams is ingested, and can also cause nausea, vomiting, circulatory collapse, paralysis, convulsions, coma, necrosis of the mouth and gastrointestinal tract, death from respiratory failure, etc.

## **Recent Court Decisions and FDA Excesses**

**By Charles Orlando Pratt**

Washington General Counsel, Suite 712, Barr Building  
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### **Is There a Free Press?**

There can be no substantial freedom in health matters without a free press, and there can be no meaningful free press which fails to publish unbiased reports on health matters or which fails to publish any report of public meetings which advocate freedom in health care in America.

Individual liberty and personal security can be maintained only by a free press.

It might be well to remind ourselves that James Madison and Thomas Jefferson were clear in their minds about the place the press should have in our free society. Madison, who offered the First Amendment to the Constitution of the United States, said, "The right of freedom of speech is secured: the liberty of the press is expressly declared to be beyond the reach of government." Jefferson was equally clear on this subject. He said, "The basis of our government being the opinion of the people, the very first object should be to keep that right. And were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter."

Attacks on freedom of the press have been wisely repelled and the courts have tended, ever increasingly, to fortify and reassert freedom of speech and the press.

Notwithstanding protection of freedom of speech and freedom of the press as provided in the United States Constitution, the State Constitutions and the decisions of the Supreme Court of

the United States, the American people still do not enjoy, in the real sense of the word, freedom of speech and freedom of the press when the press fails or refuses to report speeches written or oral on the subject of freedom in health care which speeches do convey at least a minority "opinion of the people."

### **FDA Seizure and Condemnation of Books**

During the past few years, FDA has frequently requested federal seizure and condemnation of worthy books written by eminent medical doctors on the subject of the benefit to health derived by the use of natural foods, herbs, honey, vinegar, and juices extracted from fresh fruits and vegetables.

The request for seizure and condemnation of such books has been set forth in civil court actions asking for the condemnation and destruction of the books and the products alleged to have been misbranded based upon labeling of the products by said books "accompanying" said products.

The seizure and condemnation of hundreds or even thousands of the books became so widespread that it, in the opinion of many people and lawyers, constituted what used to be called "book-burning." Such "book-burning" certainly resulted in the destruction of free thought and expression and the freedom of speech and the press.

**New Hope for Freedom in Use of  
Books on Health Care and Treatment**  
The United States Court of Appeals for the Second Circuit in a food and

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drug case decided November 18, 1964 (Docket No. 28920), involving the seizure and condemnation of a honey and vinegar product and copies of the books entitled **Folk Medicine and Arthritis and Folk Medicine**, both by D. C. Jarvis, M.D., reversed the judgment of the United States District Court for the Southern District of New York condemning bottles of a vinegar and honey product and copies of the two books on the ground that they together constituted a misbranded drug.

The United States Court of Appeals said in reversing the trial court decision: "There is a line to be drawn, and, if the statutory purpose is to be served, it must be drawn in terms of the function served by the writing."

This decision by the United States Court of Appeals did strike a big blow in the direction of freedom of thought and written expression in health matters, and it will be a valuable precedent in the right direction, and will serve as the keystone, at least, in the future bulwark of freedom in the right to have, display and sell books relating to health, food, diet and the valuable use of natural foods, fruits, vegetables, their juices and natural extracts, and books relating to the nutritional value of natural or organically grown farm crops including grains, fruits and vegetables.

The United States Court of Appeals further said in its decision: " 'Folk Medicine' was a best-selling book which Balanced Foods and health food shops could be expected to carry without regard to Vinegar and Honey, as they did prior to introduction of the latter product. The book made broad claims for a vinegar and honey mixture, which led ultimately to Sterling's marketing Vinegar and Honey. It is not disputed that these claims were misleading, but the Federal Food, Drug and Cosmetic Act was not

**intended to deal generally with misleading claims;** much more general proscriptions may be found in Secs. 12-15 of the Federal Trade Commission Act, 15 U.S.C. Secs. 52-55 (1958). **In our view, the Food and Drug Act was intended to deal with such claims only when made in immediate connection with sale of the product. This was not the use to which 'Folk Medicine' and 'Arthritis and Folk Medicine' were put by Balanced Foods or its retailers. The judgment of the district court is reversed.**" (Bold-face type supplied)

#### **Health Food Stores Can Now Display and Sell Books Relating to Health**

Based upon the precedent set forth in the decision of the United States Court of Appeals discussed above, it would seem that so-called health food stores will have the legal and constitutional right to display on their shelves books relating to health care such as **Folk Medicine and Arthritis and Folk Medicine**, and the right to sell such books, **provided** there is no immediate connection otherwise with sale of so-called health food products—such as Vinegar and Honey.

This is a landmark decision which will have the effect of protecting the products of health food stores from being misbranded by books on the shelf or sold to customers who buy products in health food stores.

**Warning:** Do not promote the sale of your product by referring directly to the therapeutic claims for products or ingredients of products mentioned in books dealing with health care or health treatment.

**Warning:** Do not make oral therapeutic claims for your products. While oral claims made by the proprietor or clerks of a health food store do not constitute "labeling" under the Federal Food, Drug and Cosmetic Act, such claims do pro-

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vide evidence of "intended therapeutic use" of the products and FDA could allege that the products by the use of therapeutic claims are converted to "drug" products which are misbranded for failure to bear "adequate directions for therapeutic uses."

#### **Food Supplements Composed of Ingredients Received in Interstate Commerce Are Subject to Federal Food, Drug, and Cosmetic Act**

The Supreme Court of the United States, October 21, 1964, denied a Writ of Certiorari, thereby upholding decisions of two lower courts that ingredients received in interstate commerce, even though combined into tablet form and repackaged, are subject to the Federal Food, Drug, and Cosmetic Act even though the finished product was never in interstate commerce. The food supplement was never shipped or held for shipment in interstate commerce. In the absence of expressed or implied therapeutic claims, the product and its ingredients were not drugs, but only foods alleged to have been converted to drugs under the Act based upon the alleged therapeutic claims.

Heretofore, such a food supplement tablet which was made and distributed in the same state would never have been considered as having been in interstate commerce solely on the grounds that the ingredients of which it was composed were shipped from out of the state. Before this decision, FDA would not have had any jurisdiction over the product. Only the state in which it was made and distributed would have had jurisdiction. This decision has the effect of extending federal power over state jurisdiction and destroys again the protection guaranteed in the Constitution of the United States as interpreted by the courts since the United States Constitution was adopted.

No longer will a person be able to protect himself from criminal action or his product from civil seizure action by FDA if the ingredients of his product entered interstate commerce even though the product composed of such ingredients never did leave the state in which made or never was delivered for introduction into interstate commerce.

#### **Court Ordered FDA to Answer Bill of Particular as to Labeling Alleged to Be False and Misleading**

The alleged labeling that the indictment said constituted misbranding included six or more books of 300 pages each and other pamphlets. The defense counsel asked the court to order FDA to set forth what words, sentences and language in what books constituted the false and misleading therapeutic claims for the food supplement. FDA and its representative, the United States Attorney, fought hard to convince the court not to require FDA to answer such questions. However, the United States Attorney agreed with the court that the request by defense counsel for such information was reasonable and necessary for use by the defense counsel to properly defend and answer the charges.

#### **Somebody Pays**

The tourist looking over a farmer's offerings at his roadside stand remarked, "Farm produce certainly costs more than it used to."

"That's right," agreed the farmer. "You see, we just used to raise crops, but now we've got to know the botanical name for what we're raising, the entomological name of the bug that eats it, and the chemical name of the pesticide that kills it, and somebody's got to pay."

—**Healthful Living Digest**



## Book Reviews

**A Matter of Life**, by W. Coda Martin, M.D., has just been published by Devin Adair Co., New York. It should be in every American home. Dr. Martin, who is well aware that Americans, health-wise, are deteriorating, is interested in not only preserving mankind, but in improving him. As an obstetrician as well as a geriatrician, he has watched the full cycle of life from birth through death, and has arrived at a formula for producing perfect physiological specimens.

Dr. Martin feels that the first step is for people to stop marrying on impulse. He feels that couples should take a long, hard look at each other and try to be honest in their evaluation as to whether the marriage will be ultimately successful and the forthcoming children "quality" children. "Child bearing," writes Dr. Martin, "should be a natural part of married life, a glorious part, but never routine. There is nothing routine about the creation of life."

These words are sobering. Did you ever stop to think that today, the average mother, upon giving birth to her child, asks two questions: first, is it a boy or girl; second, is it normal?

Dr. Martin provides a blueprint for pregnancy which eliminates the latter fear. This blueprint is based upon sound nutrition. He cautions Americans to give up "that grand old game of pill taking" in favor of proper and safe eating. He promises that parents who follow a sound nutritional pattern are far more likely to give their children a "built-in durability" instead of a "built-in obsolescence."

To prevent parents from passing on their own serious health defects which are known to affect offspring, Dr. Martin includes a full summary of safe birth-control methods. This information

is also useful for a program of planned parenthood.

**A Matter of Life** is a real contribution to our civilization. It is priced at only \$3.00 and worth every penny of it.

—Linda Clark.

This book can be secured from Devin Adair, 426 South Spring Street, Los Angeles, California, or from the New York office at 23 East 20th Street, New York 10, New York. Members are entitled to 20% off if they attach to their order an N.H.F. book stamp.

### One Solution for Safe Eating

"It is claimed that the use of chemical preservatives, colors and flavors makes it possible to mass-produce food products at reasonable prices. Furthermore, it is claimed that if the use of chemicals is prohibited by law, the plentiful supply of popular foodstuffs would be out of the question. All such claims are ridiculous in view of the fact that no less than the world-famous H. J. Heinz Company has, for years, produced 57 varieties of food products without the use of chemical preservatives or artificial colors. And their products are delicious, healthful, and above all, safe.

"There is, therefore, no valid reason for using poisonous chemicals in food products other than the unscrupulous and greedy profit motive. The profit motive, however, seems to dominate the whole situation and will continue to do so until it is made impossible by the process of law. The need for food reform is urgent and those of you who fail to realize it had better take a long look at the food you eat. . . .

"Everywhere, throughout the land, people are actually committing nutritional suicide by eating chemically devalitized food—the silent killer!"

—From **Stop Killing Yourself and Begin to Live**, by John Cullen (Lee Foundation for Nutritional Research, Milwaukee) 20% off to N.H.F. members.

## Medical Myths About Chiropractic

By Clarence W. Weiant, D.C., Ph.D.

*Given at the N.H.F.'s New York Congress on Health Monopoly, Commodore Hotel, November 20, 1964.*

*Dr. Clarence W. Weiant is Dean Emeritus, Chiropractic Institute of New York. He earned his B.S. and his Ph.D. at Columbia University. His Ph.D. was in Anthropology, specializing in Mexican Archaeology. Dr. Weiant served as Research Assistant for the Smithsonian Institution (1939-41), and was lecturer in the Department of Sociology and Anthropology, Hunter College of the City of New York (1943-51).*

At no time in the world's history has there been so much emphasis upon education as there is now. Civilization becomes more complex every day, and it is realized that the individual lacking education has little chance to obtain economic security, to develop his latent abilities, and to achieve a meaningful and humanly satisfying existence. Government, private philanthropy, and great foundations go all out to see that education shall no longer be the exclusive privilege of an elite segment of the population. Even labor unions are providing scholarships for those of their members who wish to earn an academic degree. Two problems are involved: one is the problem of acquiring facts; the other is that of acquiring the critical faculties needed to interpret the facts and utilize them to advantage.

Getting the facts is not always easy. Every society has its own mechanisms, sometimes conscious, sometimes unconscious, which determine whether a given fact shall be divulged, distorted, or completely suppressed. Under the dictatorships of the far right or of the far left, a governmental clique makes the decisions. In every nation, regardless of the form of government, history is taught in such fashion as to glorify the coun-

try's past and to play down or excuse whatever tends to be incriminating. In an open and competitive society like our own, well-entrenched groups do their utmost to suppress or discredit people and ideas which pose a threat to their special interests. Unfortunately, our media of communication are largely dependent upon advertising for their existence, and thus, up to a certain point, they can be counted upon to toe the line of their best clients.

Instances are legion. The probable link between cigarette-smoking and lung cancer was known years before any large newspaper carried that news. Tonight, someone on your TV screen will blandly regale you with the virtues of aspirin, but no one will let you know that there are hundreds and hundreds of references in medical literature to hearts damaged, stomach membranes eroded to the point of ulceration, and deaths of children produced by aspirin. There was a time, well within my memory, when our great **New York Times** not only refused to accept the advertising of any chiropractic or pro-chiropractic organization, but also made the use of the word **chiropractic** tabu in any of its pages. It requires little imagination to realize that such handling of information in the fields of health and healing constitutes for all of us a menace of major proportions.

When, here and there, a dangerous truth seeps through, then the tactic is to envelop it with a down-grading setting, to marshal facts which to the un-

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initiated seem to discount its validity, and to set forth fallacious arguments of invalidation. Thus are born the myths of our time. I am here this afternoon to discuss a few of these myths spawned by the AMA in an effort to curb the spread of chiropractic. I will list them in the form of propositions.

**Myth No. 1: D. D. Palmer, the discoverer of chiropractic, was a grocer. He never studied medicine. He never even went to college. Therefore no credence can be given to his discovery, nor to what he taught.** This is the old fallacy of *argumentum ad hominem*. Instead of examining the teaching on its merits, it is content to attack the teacher. Using this sort of argument, we could draw some curious conclusions. Abraham Lincoln was a nobody. He was born in a log cabin. He never went to college. He was totally unqualified to be President of the United States. Thomas A. Edison was just a common day laborer. He had no training in science or engineering. It is absurd to think that such a man could ever have given birth to the whole, gigantic, electrical technology of the modern world. In the town where I grew up, a man named Will Speck was the village druggist. He and his brother operated the local drugstore. In his spare time he read Goethe, and during his vacations he wandered all over Europe searching for medallions and old prints of that great man, and he spent all his savings to buy rare editions of his works. When Will's brother died, he gave up the drugstore, took his collections to Yale, and was made Curator of German Literature at the Yale University Library. He had amassed and made himself an authority on the greatest collection of its kind in the world. And what about that shining light of the current ecumenical council in Rome, Cardinal Leger of Montreal? This humble, devoted and scholarly man, who was to

found a seminary in Japan, direct it for four years, and become the youngest cardinal of his church, grew up in a tiny village on the St. Lawrence River where his father ran a general store.

No man can be judged on the basis of humble origins. With vision and singleness of purpose he may attain to greatness. Daniel David Palmer was such a man. He was an insatiable student and he had a passion for healing. He studied all the medical books he could get hold of. He searched the prairie for the bones and the skeletons of both man and beast and established an osteological museum in Davenport. Magnetic healing, at that time an art very much in vogue, attracted him, and for years before making his chiropractic discovery he carried on a practice in this field, thus becoming intimately acquainted with the ailments of human beings. (I might point out in passing that magnetic healing, after slumbering fitfully for nearly a century, is only now getting the benefit of solid and unprejudiced investigation in some of our principal centers of medical research, with results that appear quite promising.) Palmer was by no means an ignorant man. His books show plainly that he was thoroughly conversant with the medical knowledge of his day, and many of his insights appear truly prophetic in the light of later investigations.

The origin of chiropractic needs to be seen in the context of the age in which Palmer lived. Monolithic medicine had not yet developed. Competing with allopathic medicine and surgery, as well as with each other, osteopathy, naturopathy, magnetic healing, and Christian Science all struggled to become the pre-eminent school of healing. Professional education had not been standardized. There were no licensing boards, or very few. A few medical schools in the East,

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like Bellevue, were offering a one-year course in medicine, but for the most part throughout the country—and especially in rural areas—the customary manner of getting into medicine was to get apprenticed to a doctor, accompany him on his rounds, do a little reading and a lot of watching. Then, almost before you knew it, you struck out for yourself. Against this background there is nothing strange or shocking about the birth and infancy of the new profession of chiropractic.

**Myth No. 2: The vertebral subluxation, which the chiropractor claims to find and to adjust, does not exist; it is a figment of the chiropractor's imagination.** This myth has all but lost its usefulness, because present-day orthopedists and neurologists know quite well that vertebral subluxations do exist and make frequent references to them in their technical literature. The original difficulty lay in the failure to understand that a subluxation is not a minor dislocation, but an immobilization of the vertebra.

**Myth No. 3: Chiropractors don't believe in the germ theory.** This one is particularly interesting, because it is based upon fact. The myth is not in the fact, but in the connotations implied. It is quite true that chiropractors do not accept the germ theory of disease, but the people who take delight in telling you this are careful not to tell you the equally important fact that medical doctors of today don't accept the germ theory either! The classical germ theory maintained that the germ is the cause; but the pioneer bacteriologist Robert Koch postulated four conditions that would have to be satisfied in order to prove the theory. 1) You must find the germ in every case of the disease; 2) you must not find the germ in the absence of the disease; 3) you must be able to cultivate the germ in a pure state; 4)

you must be able to produce the disease in an animal by exposing it to your pure culture. Of these conditions, only one, No. 3, has been satisfied. Loeffler, the discoverer of the diphtheria germ, saw cases of diphtheria in which the germ was not present, and he also found the germ in the throats of healthy children. When, following sewage pollution of a public water supply, there is an outbreak of typhoid fever, if 10% of the population were to come down with the disease, it would be considered an epidemic of staggering proportions. Well, why is it that the other 90%, who have drunk the same water, fail to get sick? The evidence is so strong that no bacteriologist today supports the germ theory without so much hedging that current theories bear little resemblance to the original proposition. In May, 1955, *Scientific American* published an article by the famous Dr. Rene Dubos, of the Rockefeller Institute. Its title was: "Second Thoughts on the Germ Theory," and just below the title we find this statement: "Everyone harbors disease germs, yet not everyone is sick. This is ascribed to 'resistance,' suggesting that germs are less important in disease than other factors affecting the condition of the host." More than half a century earlier, chiropractors said the same thing.

**Myth No. 4: Chiropractors recognize only one cause of disease, and on this basis they claim to cure everything.** This is pure myth. The chiropractor knows that the causes of disease are legion. True, he focuses his attention upon mechanical faults in the joints of the spinal column and the pelvis, but he regards the production of these faults as the climactic event in a long series of prior circumstances and events. The subluxation is the final, decisive factor in the causal chain, the factor most immediately related to the appearance

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of symptoms. Its antecedents are to be found in hereditary factors, constitutional type, accidental deviations from the ideal symmetrical development of the skeletal frame, malnutrition, overuse of certain muscles and underuse of others, poisons in the form of drugs, food additives, air pollution, etc., fatigue, emotional stress. One could go on and on. The key word is stress, which may be mechanical, chemical, or psychic. Stress spells nerve irritation. Irritation induces muscle spasm. Muscle spasm distorts joints. Distorted joints provoke new patterns of sustained and definitely channeled nerve irritation. Disturbed function and recognizable disease follow. Thus it is the task of the chiropractor not merely to make mechanical corrections, but also to reorganize his patient's style of life, as much as possible, along lines calculated to minimize the possibility that the trouble will recur. He recognizes, however, that there are situations with which he cannot cope, cases in which there is irreversible pathology, and times when surgery or the technics of some other specialty are indicated. Then he makes the indicated referral.

**Myth No. 5: No treatment should ever be undertaken without first establishing a diagnosis, but chiropractors do not diagnose.** As a matter of fact, the chiropractor is concerned primarily with the analysis of spinal contours and the locating of points of nerve irritation, for he knows that by removing the irritation he can liberate all the natural biological resources of the human body. He makes it possible for the body to help itself. Why, then, does he bother to diagnose at all? First of all, his chiropractic analysis becomes more meaningful when he is able to relate his spinal findings to the symptomatology. He is better able to check on the progress of the patient. He can recognize the case in

which chiropractic is contraindicated. He can accumulate statistics on the efficacy of chiropractic in the management of specific diseases. He can report communicable disease, which he is required by law to do. It may be noted, in passing, that by diagnosing, the chiropractor is also catering to a widespread popular demand among patients. There is the curious but utterly unfounded belief among patients that if the doctor can name the condition, he automatically understands the case and knows exactly what to do.

**Myth No. 6: Chiropractors are ignorant people; you can get a chiropractic diploma in anywhere from six weeks to six months; you can learn it by correspondence.** Probably nothing said by the opponents of chiropractic is further from the truth than this one. In the very early years, when there was little known to teach, chiropractic courses, like medical courses, were short. At the turn of the century the original school in Davenport gave a six-month course. With advancing knowledge, the duration of the course was progressively increased. For a quarter of a century now, a four-year course of about 4,000 hours has been standard. I know of no school giving courses by correspondence. No state association would accept as a member, and certainly no board of examiners would admit as a candidate for licensure, anyone whose sole claim to competence was a diploma from a correspondence school. Furthermore, at least two years of prior study at an accredited liberal arts college is now a prerequisite for admission to an accredited chiropractic college. In some 20 states, chiropractic candidates take the same basic science examinations as medical candidates, and the percentage passing is frequently higher among the chiropractic candidates than among the medical.

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**Myth No. 7: Chiropractic is good for some things, but not for your condition.** What the medical doctor who says this to a patient wishes to convey is this: "You see I am not intolerant; I give credit where credit is due, but I am considering what is good for you." What he really means, 99 times out of a hundred, is: "I want you for a patient." Actually, the medical doctor does not know enough about chiropractic to qualify him to pass judgment on whether or not chiropractic is good for you.

**Myth No. 8: Chiropractors do not engage in research; they have nothing to substantiate their claims.** The truth: Chiropractors have been doing research for nearly as long as there have been chiropractors. X-ray was already a common item of chiropractic equipment at a time when comparatively few medical men were using it. Chiropractors were the first to X-ray patients in the standing position, the first to take full spine views on a single film, the first to produce a single-exposure view of the entire skeleton of a living subject. They were the first to make X-ray movies of the lumbar spine and pelvis, elucidating the mechanics of the region. Again, it was the chiropractors who first studied localized temperature variations along the spine and visualized by instrumentation alterations in the state of the capillaries associated with vertebral subluxations. The most refined equipment for the study of posture and for the study of variations in weight distribution through the spinal column are the products of chiropractic research. The Department of Research and Statistics of the A.C.A. has collected and organized the most extensive body of data related to the intervertebral discs anywhere in existence and is doing the same with data in any way connected with the spinal column. So impressive are the results of this project that it

has won the enthusiastic acclaim of the Library of Congress, the National Science Foundation, the National Research Council, the medical department of the Veterans' Administration, and the data-processors of the National Aeronautic and Space Administration. At present the Department is also directing a program in statistical research in cooperation with the clinics of the accredited chiropractic schools. It should be further pointed out that the largest private hospital in the world, the Spears Hospital in Denver, is a chiropractic hospital, and that its records provide an enormous source on which to base chiropractic claims.

**Myth No. 9: Chiropractic is a cult.** The implication here is that chiropractic clings to a set of fanatical notions that are completely foreign to science and incapable of proof. The attack centers on the concept of an Innate Intelligence presiding over the functions of the body. This term was coined by D. D. Palmer as an appropriate name for the ultimate healing power inherent in living creatures. Is it so different from the meaning of the word Nature as used by the medical man who says: "Medicine helps, but Nature performs the cure," or "I have done all I can; the

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### The Book "Stay Young Longer"

This great book by Linda Clark should be read by every person who is at all health-minded. Written in Linda's inimitable and interesting style, it gives the reader a host of interesting, practical and worth-while suggestions, which, if followed, cannot but lead to more vigorous health. "Before we are 50, we live to eat—after 50 we must eat to live." If you are interested in obtaining this book, you can secure it from the Lee Foundation, 2023 West Wisconsin Avenue, Milwaukee, Wisconsin. The price is \$4.95 with 20% off to N.H.F. members who attach an N.H.F. book stamp to their order. Each member receives these stamps each year when he joins or pays his dues.



rest is up to Nature"? The great Harvard physiologist, Walter B. Cannon, called it "The Wisdom of the Body," and cited hundreds of examples in his book of that title. In his acceptance of this concept the chiropractor is simply expressing his conviction that there are mysteries concerned with the nature of life that have not been and are unlikely ever to be revealed in the laboratory. Is it not wiser and safer to rely upon the innate tendencies and capacities of the human body to govern itself and make the most desirable responses to its environment than to put one's faith in a poison concocted by the pharmaceutical industry? Such is the chiropractic way of dealing with sickness and promoting health. It is and will remain a health-oriented, not a disease-oriented, profession.

### Television Executive Backs Cigarette Industry

David Sarnoff, RCA Board Chairman, has been fighting to keep the President's Commission on Heart Disease and Stroke from attacking smoking. The TV industry gains more than \$100 million annually in cigarette ad revenues. **Sarnoff, a member of the commission created by President Johnson to step up the attack on the nation's leading killers, reacted strenuously to a proposed commission statement condemning cigarette ads.**

The statement was drafted by Emerson Foote, another commission member, who gained national renown earlier this year when he quit as board chairman of the McCann-Erickson ad agency because the large firm wouldn't give up its cigarette advertising accounts.

Sarnoff reportedly threatened first-class war if the Foote statement against cigarette ads was adopted, leaving the matter still up in the air. The commission's report is due before year's end.

### Do You Know What a Naprapath Is?

We have many of these professional men in our ranks and yet the profession is not well known to most people. The only school teaching this science is in Chicago. Naprapathy has been known and used throughout the world for approximately 50 years. The name is derived from Czech "naprava," "correction," plus "pathy." The science is one of manipulation, using the hands, and further addressing a dysfunction by correcting the body chemistry through nutrition and supplementation. For further information about this excellent profession, write Lance J. Thompson, D.N., Secretary, A.N.A., 5818 Addison Street, Chicago, Illinois 60634. The American Naprapathic Association publishes an excellent booklet entitled **The Voice of Naprapathy** which should be of interest to you and is available from Dr. Thompson at the above address for 10¢.

### Words of Wisdom

"If you are surprised at the number of our maladies, count our cooks."

—Seneca

### FOR WILLS

For the convenience of those who wish to incorporate into their will a bequest for unrestricted use in research and the general work of the National Health Federation.

**I give, depose, and bequeath to the National Health Federation, a corporation, located in Monrovia, California, the**

**sum of \$..... (or property herein described) to be used by its Board of Governors as they deem advisable for the benefit of said institution and its program.**

**Should the donor desire to create a Memorial Fund, insert after "property herein described," the same to be known**

**and designated as the "..... Memorial Fund."**

## A Special Editorial on the "Balanced Foods" Case

By Clinton R. Miller

The "Balanced Foods" case victory is the greatest court victory for the health foods industry since the days of Harvey Wiley. November 18, 1964 will go down as the turning point in the Food and Drug Administration's unreasonable harassment campaign against the health movement. On this day, the United States Court of Appeals for the Second Circuit of New York reversed the judgment of the New York district court which had upheld the contention of the FDA that a book anywhere in a warehouse or retail store could be seized as mislabeling a product if the book mentioned the product.

In a test case, the FDA had seized from a New York health foods wholesaler, Balanced Foods, some Sterling Cider Vinegar which had been blended with honey. At the same time, and as part of the same seizure, they took copies of Dr. D. C. Jarvis' books, **Folk Medicine and Arthritis and Folk Medicine**. The government claimed that even having both the books and the honey-vinegar in the same warehouse constituted a misbranded drug.

The United States District Court for the Southern District of New York ruled for the FDA.

In reversing the judgment of the district court, Chief Judge Lumbard and Circuit Judges Hays and Anderson rendered a unanimous decision. The best part of their decision is that they didn't limit their ruling to cover only health food wholesalers. They included retailers too.

Attorney for Balanced Foods was Milton A. Bass of the New York law firm, Bass and Friend. Just two months ago, Mr. Friend of the same firm set the

Federal Trades Commission sprawling in their attempt to prohibit VioBin Wheat Germ Oil from honestly advertising their products. The same firm is now the chief defense counsel in the Krebiozen case.

### Significance

The Balanced Foods case is a landmark decision with far-reaching ramifications.

First, the court has assured all health food retailers and wholesalers that they can carry **ANY** book on health and that the FDA cannot seize any book even if the FDA believes that the book carries misleading and false statements about food or food supplement products carried by the store. Even if a book specifically mentions a particular product by its brand name, so long as it is apparent that the book is not used to label a product, the FDA cannot seize the book and the product.

Second, the court has ruled on the side of the health food industry on the basic matter of freedom of the press. The FDA was recklessly trying to expand its control over every book on health, even to deciding which books could and could not be sold. If the Appeals Court had upheld the district court, and the Supreme Court had not reversed the decision, it is most probable that health food stores would not have been allowed to carry any health food books at all.

Third, the court has said that the government could not continue to expand the "Kordel" ruling as they have done in case after case since 1948 when the FDA won the decision. "Kordel" still stands, but simply says now that if you ship a product with accompanying litera-

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ture, the literature is labeling. The FDA had tried to stretch "Kordel" to mean that if a wholesaler or retailer had **BOOKS** that had not been shipped as accompanying literature, that it was, nevertheless, labeling. If they had been able to win the Balanced Foods case, a large department store which carried, in one department, honey, and in another, the Bible (which mentions honey), could have the Bible seized with the honey if the FDA didn't agree with the Biblical statement. In case after case, FDA has used "Kordel" until the average health food retailer was afraid to even have a rental library in his store, and would not carry a large book display for fear of seizure. All this is changed, now. The higher court ruled, **"THERE IS A LINE TO BE DRAWN . . ."** then clearly ruled that "Kordel" didn't cover books sold in a health food store so long as they are not sold as a "joint promotion." The higher court ruled in essence that health books and health products are "two related products." The wholesaler and retailer should keep in mind that they shouldn't feature books and products together, as some stores have done, with a ribbon from a page in a book stretched to the product. Nor should clerks use books to "label" products. The court has allowed the sale of health books, admitting, "... It perhaps could be inferred that ... sale of the books would tend to promote sale of Vinegar and Honey (or any other health product) . . ." The higher court has said that a retailer can carry and sell and promote any book on health which a "health food shop could be expected to carry" so long as the claims in the book are not "made in immediate connection with sale of the product."

The court ruled that if a retail store or warehouse is in the business of selling health books **as such**, that the prox-

imity of the book section to the product "provides little basis for inference" that the book was used for labeling.

The Balanced Foods case vindicates those who have faith in our great American court system. Justice comes to those who are right and will fight.

The FDA has 90 days from November 18 to appeal its case, but it is doubted by this writer that it will.

There is much cause for rejoicing as we begin 1965. Balanced Foods' court victory is the nicest Christmas gift they could have given to the health foods industry and its patrons.

In both the Dextra Sugar case and the Balanced Foods case we have seen that our higher courts have been able to grasp the fundamental problem raised by FDA's unreasonable attempt to extend its power, have been able to dissect to the heart of the controversy, and have the courage and the will to rule unanimously in favor of a proper, limited, constitutional power to be wielded by FDA.

Three cheers and orchids to those former-day statesmen who set up our "checks-and-balances" government, and the same to those present-day businessmen (Balanced Foods) and their attorneys (Bass and Friend) who had the will to spend the money, time and brains to keep the wall of freedom in good repair.

Because of the importance of the decision to all Americans and because of its shortness, it is included in full following this article.

#### MOMENTS

Personality is the ability to get along on banana oil instead of elbow grease.

—:—

Knowledge, like timber, is best when well seasoned.

## Appeals Court's Decision

### UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

No. 60—September Term, 1964  
(Argued October 8, 1964  
Decided November 18, 1964.)

Docket No. 28920

UNITED STATES OF AMERICA,  
*Libellant-Appellee,*

—v.—

An undetermined number of cases, each case containing 24 bottles, of an article labeled in part: (bottle) "Sterling Vinegar and Honey Aged in Wood Cider Blended With Finest Honey Contents 1 Pint Product of Sterling Cider Co., Inc., Sterling, Mass." and an undetermined number of copies of the books entitled "Folk Medicine" and "Arthritis and Folk Medicine," both by D. C. Jarvis,

BALANCED FOODS, INC.,  
*Claimant-Appellant.*

Before:

LUMBARD, *Chief Judge,*  
HAYS and ANDERSON, *Circuit Judges.*

Appeal from a judgment of the United States District Court for the Southern District of New York, Vincent L. Leibell, J., condemning bottles of a vinegar and honey product and copies of two books on the ground that they together constituted a misbranded drug.

Reversed.

PATRICIA A. GARFINKEL, Assistant United States Attorney, New York, N.Y. (Robert M. Morgenthau, United States Attorney for the Southern District of New York, and William W. Goodrich, Assistant General Counsel, Food and Drug Division, Department of Health, Education, and Welfare, Washington, D.C., on the brief), for *libellant-appellee*.

MILTON A. BASS, New York, N.Y. (Bass & Friend, New York, N.Y., on the brief), for *claimant-appellant*.

#### LUMBARD, Chief Judge:

The sole question on this appeal is whether the display and sale of books in the same shop as an article which the books misleadingly recommend as a remedy for various ailments constitutes misbranding in violation of 21 U.S.C. §331(a) (1958) because it is misleading written matter accompanying such article.

Balanced Foods, Inc., appeals from an order of the District Court for the Southern District of New York condemning a number of bottles of Sterling Vinegar and Honey and a number of copies of two books, "Folk Medicine" and "Arthritis and Folk Medicine." Balanced Foods wholesales health foods and related products. The books and Vinegar and Honey were seized in its warehouse in New York City and condemned as misbranded drugs under §304 of the Federal Food, Drug and Cosmetic Act, 21 U.S.C. §334 (1958), on the ground that the books were "labeling" for the Vinegar and Honey and are misleading.<sup>1</sup> We find that the former conclusion is not supported by the record, and we reverse the judgment of the district court.

Vinegar and Honey seems to have been one of the minor ephemera characteristic of the health and diet food

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trade. That it gained shelf space among boxes of sunflower seed, wheat germ and healing grasses can be attributed to the wide reading of Dr. D. C. Jarvis' first book, "Folk Medicine," subtitled "A Vermont Doctor's Guide to Good Health." Its publisher, Henry Holt & Company, sold nearly half a million copies of the book, and a considerable number of its readers at least sampled from Dr. Jarvis' pharmacopoeia.

Prominent among Dr. Jarvis' remedies is a mixture of cider vinegar and honey, which is prescribed for a wide variety of maladies. Inevitably some people found it burdensome to mix the vinegar with the honey, and, true to the traditions of free enterprise, several companies responded by producing a pre-mixed product. Among them was Sterling.

"Folk Medicine" and its sequel, "Arthritis and Folk Medicine," mention Sterling cider vinegar by name as suitable for medicinal use, and the two books certainly have promoted the sale of Sterling's Vinegar and Honey. In addition, Balanced Foods stocked both and sold both to a number of retailers. The question is whether the sum of these relationships constitutes labeling. We do not think that it does.

The Vinegar and Honey bottles bear a label, which claims no more than that they contain one pint of "aged in wood cider vinegar blended with finest honey." The labeling subject to the Act is not limited to this common form of label, however; it includes not only the written matter "upon any article or any of its containers or wrappers," but also written matter "accompanying such article." 21 U.S.C. 321(m). On the other hand, labeling does not include every writing which bears some relation to the product. There is a line to be drawn, and, if the statutory purpose is to be served,

it must be drawn in terms of the function served by the writing.

This is the teaching of **Kordel v. United States**, 335 U.S. 345 (1948), in which the defendant had mailed drugs and explanatory pamphlets to his retailers in separate packages. In affirming his conviction the Court held that physical attachment is not necessary where the writing "performs the same function as it would if it were on the article or on the containers or wrappers." *Id.* at 351. But this "same function" is not merely to promote the sale of the food or drug. Advertising and labeling overlap; most labels advertise as well. They are not identical, however, and material which serves only as an advertisement is not covered by the Act. *Cf. id.*

The distinguishing characteristic of a label is that, in some manner or another, it is presented to the customer in immediate connection with his view and his purchase of the product. Such a connection existed at both wholesale and retail levels in **Kordel**: Although the pamphlets and drugs were mailed to retailers separately, they were mailed in "integrated transactions"; the vendors in turn gave the pamphlets away with the sale of the drugs in some cases.

We need not consider whether or under what circumstances integrated use of written material and a drug product by a retailer would by itself allow condemnation of the goods in the hands of the wholesaler, for there is no evidence of such use of "Folk Medicine" or "Arthritis and Folk Medicine" with Vinegar and Honey at either level. Balanced Foods sold both, and the government presented some evidence that it took special steps to promote "Folk Medicine." There was no evidence of any joint promotion of either book with Vinegar and Honey, however. It perhaps could be inferred that the officers of

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Balanced Foods realized that sale of the books would tend to promote sale of Vinegar and Honey. But there can be no inference that it sold the books for that purpose. It first ordered "Folk Medicine" almost two years before it began carrying Vinegar and Honey; it sold over 7,000 copies of "Folk Medicine" at \$2.00 each wholesale and fewer than 2,000 pint bottles of Vinegar and Honey.<sup>2</sup> There was, in sum, no basis for finding that Balanced Foods did more than carry two related products.

At the retail level, there was conflicting evidence as to the number of other books carried by the retailers who purchased "Folk Medicine" from Balanced Foods and as to the relative position of the books and the Vinegar and Honey bottles in the retail shops. Taking the evidence most favorable to the government, however, it still shows that those retailers also carried a number of other books and that "Folk Medicine" and "Arthritis and Folk Medicine" were shelved with the other books. Nor was there any evidence of displays featuring both Vinegar and Honey and the books, and the five-foot distance between the books and the bottles in one shop supplies little basis for inference when the entire store was estimated by the government's witness to be only 20 by 25 feet.

"Folk Medicine" was a best-selling book which Balanced Foods and health food shops could be expected to carry without regard to Vinegar and Honey, as they did prior to introduction of the latter product. The book made broad claims for a vinegar and honey mixture, which led ultimately to Sterling's marketing Vinegar and Honey. It is not disputed that these claims were misleading, but the Federal Food, Drug and Cosmetic Act was not intended to deal generally with misleading claims; much more general proscriptions may be found

in §§12-15 of the Federal Trade Commission Act, 15 U.S.C. §§52-55 (1958). In our view, the Food and Drug Act was intended to deal with such claims only when made in immediate connection with sale of the product. This was not the use to which "Folk Medicine" and "Arthritis and Folk Medicine" were put by Balanced Foods or its retailers.

The judgment of the district court is reversed.

1. Section 304(a) of the Act provides that misbranded or adulterated food, drugs and cosmetics may be condemned in an *in rem* action in the district court for the district in which the goods are found. Under §502(a) of the Act, 21 U.S.C. §352-(a) (1958), a drug is deemed misbranded "if its labeling is false or misleading."

2. We were advised upon argument that bottles of Vinegar and Honey sold at \$4.50 per dozen wholesale or about 38 cents each.

## Natural Vitamins Superior

Horace W. Soper, M.D., F.A.C.P., St. Louis, Missouri, has written, "I find so many patients who have taken the synthetic vitamins for years and still suffer from malnutrition. All that is required to restore them is a diet of high vitamin content and brewer's yeast powder. Few persons consume enough Vitamin B in their diet. The yeast powder contains all the Vitamin B complex. Furthermore, the yeast powder . . . facilitates the absorption of all other vitamins and end products of food digestion. It is a splendid nerve tonic and a good adjunct in all forms of anemia.

"I concluded that the synthetic vitamins could not be depended upon. This opinion was later confirmed by the research work of Prof. A. J. Carlson of Chicago and Prof. Drummond of England."—**American Journal of Digestive Diseases**, 1953, p. 227

Pure natural Vitamin E has been found three times as potent as pure synthetic Vitamin E. —**Nutrition Reviews**, 1947, 5:251-53



# N.H.F. Washington News Report

## "I'm Delighted"—Ivy

When Dr. Ivy was asked how he felt about the Illinois Grand Jury's 49-count indictment handed down November 18, he said simply, "I'm delighted."

The statement will go down in history with John Paul Jones', "Give up? Never! We've just begun to fight!"

"I have always said and I still say that I would welcome the opportunity to prove in a court of law before a jury that Krebiozen does have merit against advanced cancer. I have never said it was a cure."

Although Dr. Ivy, now 71, faces penalties which could total 150 years in prison and more than \$300,000 in fines, I'll go way out on a limb and predict that Dr. Ivy will never spend a day in jail for any of the counts in the indictment.

Barbara Yuncker, star medical editor for the **New York Post**, expressed it well when she said recently, "I don't envy the prosecuting attorney whose job it is to try to make those indictments stick."

## Department of Mercy

From a letter to President Johnson from Gertrude Brou, a cancer patient on Krebiozen:

"Dear Mr. President: . . . defend us against the savage **injustice** of the Department of Justice. If what the Government is doing to us—the patients on Krebiozen—be justice, then we need a **Department of Mercy**. Because God knows we, the patients on Krebiozen, need Mercy!!"

## Red Cross???

Seventeen Cancer survivors on Krebiozen who found themselves without even pillows during an all-night October 30 sit-in at HEW Secretary Celebrezze's outer office made a pathetic phone call to the Red Cross for bedding. "Can't,"

was the brusque reply, "not covered by our regulations."

## N.H.F. the People's Friend

The call was then made to the National Health Federation. The situation wasn't covered by our regulations, either, but Mrs. Ione Starkey, Mrs. Bert Coffman, Mrs. Bonnie Miller, Mrs. Louise Erickson, and others acting as emissaries of N.H.F. brought pillows, sheets, blankets and cots. But, no! The guards were instructed by their superiors, and they shamefacedly told us that they could allow only food and medicine—no bedding—to go to those sick folk picketing for the right to live. So cancer victims spent the night on the floor of the man who is paid by all Americans to protect their health and welfare. There was no regulation to prohibit us from taking bedding to those unfortunate people who have committed no crime except to have cancer—**until it was made on the spot when we arrived.**

## Cold Food

Mr. Irvin Liberman of Cleveland, Ohio had to wait in the cold over an hour with 17 nice hot dinners. They cooled off while guards cleared with FDA officials to see if food could be allowed by regulations.

## Rodale Press Hearings Open

As this report is being prepared, the hearings on the Federal Trade Commission complaint against Rodale Press, Inc. are going into their second day. The FTC charged the Emmaus, Pa. publisher with false advertising of its health books. The excellent weekly **Health Bulletin** is also one of the Rodale publications. Rodale is represented by Arnold, Fortas, and Porter, the same able law firm that won the landmark "Dextra Sugar" case in 1963.

# CONSUMER'S CORNER

By Linda Clark

**IS IRRADIATED FOOD SAFE?** The Army, on the basis of its research, insists that irradiated food is safe, that the rays pass through the food without leaving any harmful residue. But there is more to the problem. To begin with, irradiated food is presumably "dead" food, because the enzymes are destroyed as in cooking with high heat. This is not all. The United Fresh Fruit and Vegetable Association has published a scathing attack on the effect of radiation on fresh foods which are supposed to remain "just like new" after irradiation. According to the association, this is science fiction.

Radiation apparently destroys many nutrients—more in some foods than in others. Each type and variety of fruit and vegetable responds differently to radiation, the association reports. It causes some foods to rot, others to become watery or soft, or changes their color, odor and flavor. For example, pears get mealy, turn an unpleasant, muddy green color and taste flat. Tomatoes bruise and soften during harvesting, handling and shipping. As a rule, although irradiation may extend the shelf life (which is of course the reason it is being urged upon the consumer), the fruit or vegetable eventually becomes flavorless and unmarketable.

The Army is urging private processors to develop the irradiation method. Meanwhile it has gained approval to irradiate canned bacon, wheat and potatoes. It has filed petitions to irradiate oranges, and is experimenting with peaches, nectarines and carrots. Although the initial plan was to use such foods for troops and for space purposes, the public may be the next consumers.

Irradiation is not only expensive, it looks as if the food processors may not accept the claims of how delectable and safe irradiation may be. (**Editor's Note:** We don't plan to buy any at all!)

—United Fresh Fruit and Vegetable Association **Monthly Supply Letter**, October, 1964.

**HOW FOOD PROCESSORS ENCOURAGE US TO BUY:** Advertisers try to make their products sound as enticing as possible. They know the average consumer does not read labels, does not understand the meanings of chemical terms if he does read them, and that the average housewife is a push-over for a short-cut. Here is a report to the average housewife from **McCall's**, November, 1964. (Mrs. Esther Peterson has said proudly that she is the greatest threat the advertisers have. We hope you will join her team, and put on your armor of resistance as you read this.)

**VARIETY AT THE MARKET PLACE:** "Today you have a choice of 8,000 items on your supermarket shelves. During the next year you can expect to find several hundred more. Probably all the other countries in the world put together don't offer as much variety as is available to the American family. All these new products will be the result of vast programs of scientific research carried on continuously by the food manufacturers. But since scientists seem to be notably lack-

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ing in the gift of gab, a lot of delicious prospects are hiding behind some pretty technical terminology.

**FREEZE DRY:** "The biggest news is the process the chemists call 'freeze dry.' Never mind how they do it. What matters is that after they've done it, you don't have to keep a freezer or even a refrigerator. You can just store them anywhere—pantry, basement, or even in the garage—and they will keep up to two years. These will include: meats like pork chops, steaks, pot roasts that you'll merely soak in water about 20 minutes before cooking; soups, sauces, and sweet potato flakes that will fluff up the minute you add water or milk; coffee that connoisseurs swear tastes and smells like the percolated kind; and butter you simply shake onto toast or vegetables or waffles and watch melt.

**LIQUID NITROGEN:** "Another new freezing technique called 'liquid nitrogen processing' . . . will be delivering tomatoes already sliced; avocados, peaches, mushrooms, and cherries—all with a truly 'fresh-from-the-garden or orchard flavor.'

"For breakfasts, combinations of meat, eggs, cereals, and breads will come assembled, ready to slide into the oven . . . without so much as a single bowl or stirring spoon to wash afterward."

**(BRACE YOURSELF FOR THE NEXT PART: Consumer's Report, October, 1964** has issued a grave warning against all artificial sweeteners, particularly cyclamate. They call attention to the fact that thalidomide was not considered dangerous at first, and that pregnant and nursing mothers, especially, are in possible danger from artificial sweeteners. Now read the siren call.)

**1965 CALORIES:** "From all signs 1965 is going to be the best year calorie counters ever had. In the next 12 months the range of sugarless fruits and vegetables and virtually calorie-less soft drinks is expected to expand in a dozen directions. But even better for waistline watchers is that so many formerly forbidden foods will be appearing in low-calorie form.

"There will be a low calorie cranberry sauce, a low calorie maple flavored syrup, and a variety of low calorie sundae toppings to go on top of low calorie ice cream. Complete meals packaged together and adding up to a modest 300 calories will be in the markets in a matter of months. Sample menus: vegetable juice, spaghetti and meatballs, and fruit cocktail. Or consomme, chicken cacciatore and apricots. Furthermore, as these 'diet foods' proliferate, they will cost less and less, so obviously you will have nothing to lose but your pounds."

**AND, WE ADD, POSSIBLY YOUR HEALTH,** for four new plants are now being constructed to make cyclamate, contained in most of these new foods. Consumers Union points out that **Sucaryl** contains a mixture of saccharin and cyclamate and repeats the warning of the National Research Council, "The question of the safety of cyclamate for all classes of people is not settled . . . its safety for expected use levels [cannot] be guaranteed. . . ."

**SO, BUYER, BEWARE!** And read your labels. When in doubt, keep close to nature.

## PROS and CONS

### Should You Take Vitamins?

#### Against:

Apparently speaking for the "opposition," **Changing Times**, September, 1964, says, "Ten million Americans spend \$350,000,000 a year on vitamins and minerals they probably don't need. (The fact is that most people get all the nutrients they need in their regular diets. Yet one company selling a food supplement door-to-door increased its gross income from \$2 million to \$8 million in one year.)

"Dr. Frederick J. Stare, long in the forefront of the fight against nutritional quackery, expressed his impatience, when he testified before the senate committee, with these words:

"The first point I would like to make is that as a naive person, as far as government and regulations are concerned, I just cannot understand why it takes so damn long for our regulatory agencies to regulate."

#### For:

Walter A. Compton, M.D. is the new head of Miles Laboratories, Inc., famous for its Clinitest tablets and Clinitex paper strips for self-detection of diabetes. The sales of this company, which also sells drugs, have climbed from \$40 million per year to \$107 million. It is surprising, therefore, to learn that Dr. Compton believes in the use of vitamins.

He reports that early in his career as a practicing physician, he became interested in the use of vitamins through the friendship of another physician who was prescribing them with successful results. These two doctors agreed that people should at least take the minimum requirement of vitamins as a supplement to what they eat, in order to prevent disease, rather than rely on vitamins in therapeutic doses to restore health.

Dr. Compton doubts that we Americans eat a good diet. He says, "Nobody but a nut could eat enough food to get adequate nutrition. It is probably true that a couple of generations ago it would have been almost impossible for a normal person to get through a day's work on the job or on the farm in a prevailing non-electrical world without consuming so many calories. . . . Today, however, with the power machinery available in the home, office, factory and farm, we can get through the day on a third of the calories our grandfather required. That may be all right calorie-wise, but it short-changes us vitamin-wise."—(**New York Times**, August 9, 1964)

### Is Vitamin C in Large Doses Harmful?

One advance report has stated that if the new FDA regulatory plans are successful, vitamin C in high potencies will not be available, except by prescription. The explanation to be given to the public, no doubt, will be that large doses of vitamin C are either harmful or unnecessary. Is this true or false?

Professor Werner Grab, University of Giessen, Germany, reports, "It is accepted by science that massive vitamin C concentration will handicap the growth of influenza viruses, streptococci and pneumococci and other germs; and that it will weaken the effects of certain chemical compounds and activate the defense functions of the body; increase the resistance against heat and cold; and promote the formation of structural substances in the bone tissue and binding tissue."

Professor Grab adds that even cancer may be inhibited by ascorbic acid (the usual form of vitamin C), and that the

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stress of sports, pregnancy and breast feeding demands larger vitamin C intake. As to its safety, he says, "Those who take larger vitamin quantities as a precaution will cause no damage to their health."

Everyone should read the two chapters on the miraculous effect of massive doses of vitamin C for infections and a host of common as well as resistant diseases in Adelle Davis' book, **Let's Eat Right to Keep Fit**. She cites medical cases of successful therapy with massive doses of vitamin C, which sometimes take place within a few hours. She also quotes the statement of Dr. Fred R. Klenner, Chief of Staff, Memorial Hospital, Reidsville, N.C., who calls vitamin C in massive doses a natural "antibiotic par excellence."

### Stare's Black List

When he appeared before the Special Committee on the Aging, March 10, 1964, Dr. Frederick Stare, Professor of Nutrition, Harvard School of Public Health, made a thinly veiled plea that the Senate try to find some way to legally destroy freedom of the press. His "purge" was to start with the following best-sellers.

"Here is a list of what we call the 15 least desirable books," Dr. Stare said, "which ought not to be on anyone's shelves. They have all been published within the last 15 years and most within the last two or three years."

"1. **The American Fluoridation Experiment**. F. B. Exner, M.D., and G. L. Waldbott, M.D.

"2. **Arthritis and Common Sense**. Dan Dale Alexander.

"3. **Folk Medicine: A Vermont Doctor's Guide to Good Health**. D. C. Jarvis.

"4. **Feel Like a Million**. Catharyn Elwood.

"5. **Health Through Nutrition**. Lelord Kordel.

"6. **Let's Eat Right to Keep Fit**. Adelle Davis.

"7. **Look Younger, Live Longer**. Gaylord Hauser.

"8. **Live Food Juices**. H. E. Kirschner, M.D.

"9. **Live to be 180**. Justine C. Glass.

"10. **Calorie Countdown**. Victor H. Lindlahr.

"11. **The Poisons in Your Food**. William Longgood.

"12. **Stay Young Longer**. Linda Clark.

"13. **Eat Your Way to Better Health**. Andrew Rosenberger.

"14. **Calories Don't Count**. Herman Taller, M.D.

"15. **Strong Medicine**. Blake F. Donaldson, M.D."

This conversation followed between Dr. Stare and Senator Fong:

**Senator Fong:** You must have spent a lot of time thinking about these books you have listed here you say are non-sense.

**Dr. Stare:** They are. And that is by no means an exclusive list.

**Senator Fong:** Now, are there any laws that you know of that will prevent the publication of such a book?

**Dr. Stare:** I do not know of any laws. . . .

**Senator Fong:** . . . I think you recognize the difficulty in legislating in this field, do you not?

**Dr. Stare:** Yes. But I think that is your job. . . .

Not a single Senator on the Committee objected to the line of conversation. This committee should receive major attention of Federation members in the 89th Congress.

If Shakespeare were alive today, he'd say, "The quality of mercy is not only strained, it is tenderized, pasteurized, homogenized, pesticized, flavored and artificially colored."

—Natural Living Digest

## Here and There in the Health Field

Reported by Linda Clark

### Fluoride Builds Up in the Body

Jonathan Forman, M.D., world-renowned specialist in allergy, Professor Emeritus of Ohio State University, former editor of the **Ohio State Medical Journal**, editor of **Clinical Physiology**, has issued this statement in behalf of the Medical-Dental Committee on Evaluation of Fluoridation:

"It is now known that such vital organs as the kidneys, thyroid, aorta (main heart artery), liver, lungs and others can be the sites of an unusually high fluoride build-up. No matter how small the amount of fluoride in the diet, a part of it tends to accumulate in the body. When the water supply is fluoridated the intake of the individual is considerably increased and the accumulation in the body increases accordingly. There is no clear-cut pattern as to the degree of retention among individuals. Further, it accumulates in certain organs in an unpredictable way. Some individuals may store up to 100 times more fluoride in certain tissue than others. This has given rise to concern over fluoride's possible role in chronic disease. Fluoride is an enzyme poison and medical authorities recognize that disturbances of the enzyme system are a cause of disease."

Good news has been received that the following have voted down fluoridation of water in their communities:

Erie, Pennsylvania, 31,365 **NO** to 13,546 **YES** (unofficial vote).

King City, California, 633 **NO** to 492 **YES**.

Abilene, Texas, fluoridation lost by more than a 2,000-vote margin, in spite of the fact that 67 of the 90 M.D.'s, all the dentists, the daily newspaper, and

many others endorsed fluoridation. Needless to say, the winners are jubilant.

### More Birth Defects

Cleveland, Ohio, predicts that of 26,500 babies to be born there in 1964, 1,855 will have significant birth defects. About 70 will be mongoloid.—(**Cleveland Press**, January 17, 1964)

Live virus vaccine, such as those used against polio, smallpox and measles, might harm an unborn child if given to a pregnant woman. Because of this, Samuel L. Katz, M.D., who worked on the development of the measles vaccine, believes that such vaccines should not be given to expectant mothers except in an epidemic.—(**New England Journal of Medicine**, April, 1964.)

### Triumph for Persecuted Physician

Joseph Broadman, M.D. is the author of a book, **Bee Venom: The Natural Curative for Arthritis and Rheumatism** (Putnam and Sons, New York, 1963). Without warning, and without an opportunity to reply, Dr. Broadman was attacked by the Arthritis and Rheumatism Foundation's medical director. This attack, which was directed at Dr. Broadman's practice, took place before the Senatorial Committee on the Aging, Washington, D.C.

The National Health Federation invited Dr. Broadman to address the first Congress on Health Monopoly, Washington, D.C., October, 1963, to give him an opportunity to make a public reply. Dr. Broadman followed this address by seeking legal counsel and filing a libel suit against his detractors.

As a result, the attackers finally offered to make a retraction as well as

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to pay a substantial sum of money in settlement of the suit. The retraction speaks for itself:

"This is to clarify that our criticism is intended to be directed solely to the content of the book—**Bee Venom: The Natural Curative for Arthritis and Rheumatism**—and not at its author, Dr. Broadman.

"To our information and that of our National Office, Dr. Broadman, the author, has always been, and still is, a member in good standing of the medical profession. There is no indication that Dr. Broadman has ever been motivated other than by a conviction that his work was benefiting mankind."—The Arthritis and Rheumatism Foundation.

In addition to this retraction, Dr. Broadman was tendered a certificate of appreciation from Mayor Robert Wagner, representing the City of New York.

## How to Handle Fund Soliciting

Many people write in complaining that they are solicited for funds for this disease and that disease. They wonder which one to give to, if any.

Betty Pettit, a respected writer, lecturer, and civic worker, offers one solution. She is listed in **Who's Who of American Women**, as well as being a tireless worker for health, natural foods and living. She explains, in **Natural Food and Farming**, November, 1964, how she handled the situation when a solicitor for funds for one of the diseases knocked on her front door and asked for a contribution.

She says, "As always, I explained that I am completely out of sympathy with what I consider the very unscientific approach of trying to lock the barn after the horse is stolen. I explained that what money, time and effort I can spare is spent with organizations that are trying to educate people in what I con-

sider the much more important techniques of how to remain healthy. . . .

"The volunteer worker seemed startled at my attitude. When I told her that research with animals as well as human populations proved how absolutely dependent is health upon the quality of the food supply, the volunteer admitted that she had not been told this by her doctor or the organization for which she was soliciting."

Betty continues, "Drives to collect funds for research 'to conquer' the ever-increasing degenerative diseases are, of necessity, accelerating almost as fast as the illnesses that inspire them. There is practically no end to the drives that can be instituted—but the tendency of late seems to concentrate on fund appeals for those diseases that are doubly heart-moving because they affect children.

"We live in a supposedly scientific era. Yet popular attitudes accept the tragedy of degenerative diseases as though some mysterious or evil powers were to blame and beyond our control. People patiently and tragically accept resulting ill-health as 'just one of those things.'"

We now know that degenerative diseases are not mysterious. There is a cause and effect. **Stay Young Longer**, by Linda Clark, is one book which quotes hundreds of expert statements that this principle is true, and shows how to prevent or reverse many of these degenerative diseases now without a further cent necessary for research.

Next time you are solicited, you might follow the example of Betty Pettit, and instead of giving funds for obscure purposes, donate the same amount of money to the National Health Federation, which you can trust to use the money honestly and wisely to do the most good.

A minute and a dollar are as big as the man who possesses them.

## NATURAL REMEDIES

Natural remedies are rapidly being replaced by drugs. Many a family remedy, handed down by word of mouth from generation to generation, is being lost or forgotten as a result of emphasis on drug or synthetic remedies. Yet the Bible tells us that there is an herb for every disease. This knowledge should be perpetuated before it becomes lost to civilization merely because those who still remember—and believe in—such remedies, have not written them down.

We are asking every member of the National Health Federation to search his memory, family records—even old cookbooks—which may contain some of these priceless and inexpensive aids to health. We would like to lead the nation, for the nation's health, in compiling as many remedies as possible. If you have one, or know of one used successfully by friends or members of your family, will you please send it to us for publication in this magazine.

Address all natural remedies to Linda Clark, Box 456, Carmel Valley, California. (Due to a busy schedule, Linda will not be able to acknowledge or answer personal correspondence. Your remedy will appear with or without your name, as you prefer, in this new department of the **Bulletin**.)

Here are a few to start you off. They come from an out-of-print book generously loaned by NHF member Mrs. Hertha Gerlitz. The book is **Happy Hours With Herbs**, by Orcella Rexford, B.S., University of California, Ethnobotanist and Nutritionist.

—Sage was formerly used for a hot tea to break up colds. (A contributor to **Organic Consumer Report** adds, "I use garden sage tea instead of tea or coffee for nervous conditions. A wine-glass after each meal does the trick.")

—For sprained ankles, wormwood leaves, bruised and steeped in vinegar, were added to a pail of very hot water. After soaking the ankle in this mixture, the ankle was rubbed with a paste made of a mixture of beaten white of egg, one teaspoon of turpentine, with enough flour and water to thicken.

—Orcella Rexford writes, "In a low, damp part of the garden was grown mint for seasoning lamb and for making minted lemonade and dried as a tea for cramps in the stomach when I had indulged in too many green apples.

"Near the house in a sunny spot grew Old Man, or Southernwood (*Artemisia abrotanum*), with feathery green leaves and an aromatic smell. It was customary to take a sprig of it or a leaf of Costmary (Sweet Marie) pressed in a prayer book to church with us when the sermon was dull. We sometimes made an aromatic tea from it, which Grandmother said was good to dissolve phlegm, to help a weak and cold liver, or to be given to children with worms."

—Count Marco, in his column in the **San Francisco Chronicle**, relays a surprising beauty aid. Mash a ripe papaya, spread it on your face, which has been pre-cleaned. Lie down with your feet higher than your head for 20 minutes. Cover your eyes with cotton dipped in ice water.

Then wash with warm water and a rough textured washcloth. Splash on cold water. The papaya contains an enzyme which helps to remove the dead outer layer of the skin, giving you a glow and your skin a velvety feel. According to Count Marco, this is a fine beauty tip for tired and drab faces and is one of nature's pickups.

We will be looking for your natural remedy. It will be fun as well as rewarding to share it with our readers.



## NATIONAL HEALTH FEDERATION

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## THE IVY KREBIOZEN CASE

1. America's greatest scientist will have to defend himself in court for trying to be a real scientist and at the same time trying to help folk who are dying because of the proved ineffectiveness of orthodox cancer treatments.
2. To effectively do this will cost a great deal of money, which no true scientist is ever able to accumulate.
3. These funds must come from true Americans who believe that there is a solution to the cancer problem and that scientists must not only be unfettered in their research, but the facts they develop thereby must be applied and honestly and sincerely tested for their efficacy, regardless of whose pocketbook such procedure affects.
4. Those of our readers who desire to help in this direction may send their donations through the National Health Federation Office. All sums received will be forwarded to the proper people, with care being exercised by the Federation to the end that all funds thus received are spent for the purpose given.
5. This is America's fight and we must win for the sake of suffering humanity.

## IT'S DUES-PAYING TIME

Look at your address on this magazine and if the numerals 64 are the last two numerals of the number which accompanies your address it means your 1965 dues are due and payable. If these numerals are 65 or Life, it means your dues are paid. We thank you.

- ☐ I wish to become a REGULAR MEMBER of the National Health Federation and am enclosing \$5.00 as dues, \$1.50 of which is for a subscription to the BULLETIN for the current year.
- ☐ I wish to become an ACTIVE MEMBER of the National Health Federation and am enclosing \$5.00 as yearly dues, \$1.50 of which is for a subscription to the BULLETIN. I wish to form a local chapter, so please send me necessary literature and instructions.
- ☐ I wish to become a SUSTAINING MEMBER and am enclosing \$..... (minimum fee, \$25.00) as membership dues for the current year, \$1.50 of which is for a subscription to the BULLETIN.

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NOTICE: Regular Membership Dues have been raised from \$3.00 to \$5.00 per year as of June 1, 1962.

Mail direct to NATIONAL HEALTH FEDERATION  
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Renewal ☐

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