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**DR. WALLACE SAMPSON:** "There is an outfit in Berkeley where you pay a few hundred bucks and hold hands and don't wear underwear and drink distilled water." The noted Stanford medical professor says most AIDS patients drift outside the standard medical system.

## AIDS Task Force Files 1st Suit Against 'Cures'

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SACRAMENTO — The "products" are advertised as cures or treatments for victims of acquired immune deficiency syndrome, and they range from the first milk of cows after they have given birth to a powder made from snakes that was found to contain salmonella bacteria.

"It's not exactly the kind of thing you want someone with reduced immunity to take," said California Deputy Attorney General Michael Botwin.

As one of 24 members of a statewide AIDS Healthcare Fraud Task Force, newly created by Attorney General John Van de Kamp, Botwin has seen all variety of quasi-legal AIDS-cure advertisements — from the ridiculous to the intentionally vague.

In the first civil prosecution since the task force was formed last summer, the attorney general's consumer law section this month filed suit in Los Angeles County Superior Court against two companies marketing a diluted concoction of bovine colostrum (the first milk of cows after giving birth) as a cure for everything from AIDS to bedsores.

The state filed charges against Dolores Diana Herrera and William Franklin Coverdill as operators of an unincorporated firm called Ancient Gold and Davis Walter Myers as operator of the unincorporated firm Miracles in Motion.

The suit alleges violations of California laws prohibiting the sale of any unapproved drug or substance as a cancer cure, false advertising, and offering to sell milk taken from a cow within five days after the cow has given birth — which is illegal in California.

The attorney general asked the court to halt the product's sale, to require that the firms circulate corrective advertising, and pay restitution to victims and \$100,000 in civil penalties.

"There is absolutely no evidence that colostrum has any value against AIDS or any other disease," Van de Kamp said. "It has never been approved by [the U.S. Food and Drug Administration] nor any other agency for sale as a medicine. But Ancient Gold and Miracles in Motion have bilked an unknown number of desperate people with claims that colostrum not only cures AIDS but also cancer, leukemia, lupus, multiple sclerosis and

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# Quack AIDS Cures Become Focus of Task Force Suit

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arthritis — not to mention bedsores and toothaches.

"I want every con artist in the state to know that we will investigate and prosecute these cases to the fullest extent of the law," Van de Kamp added. "Anybody hoping to make a quick buck off the misery of AIDS patients in California had better be prepared to pay a hefty price."

In the case of the "snake powder," Botwin said, the U.S. Food and Drug Administration has agreed to intercept the tainted product when it is brought into the United States from Mexico and to remove the previously imported products from sales outlets.

Dr. Wallace Sampson, a Stanford University medical professor and nationally known expert on health care fraud who is on the attorney general's task force, cites other examples of AIDS-cure quackery.

"There is an outfit in Berkeley where you pay a few hundred bucks and hold hands and don't wear underwear and drink distilled water," he said. "And [there is] the woman in L.A. who says AIDS is not incurable if you look in the mirror and say you're going to get better."

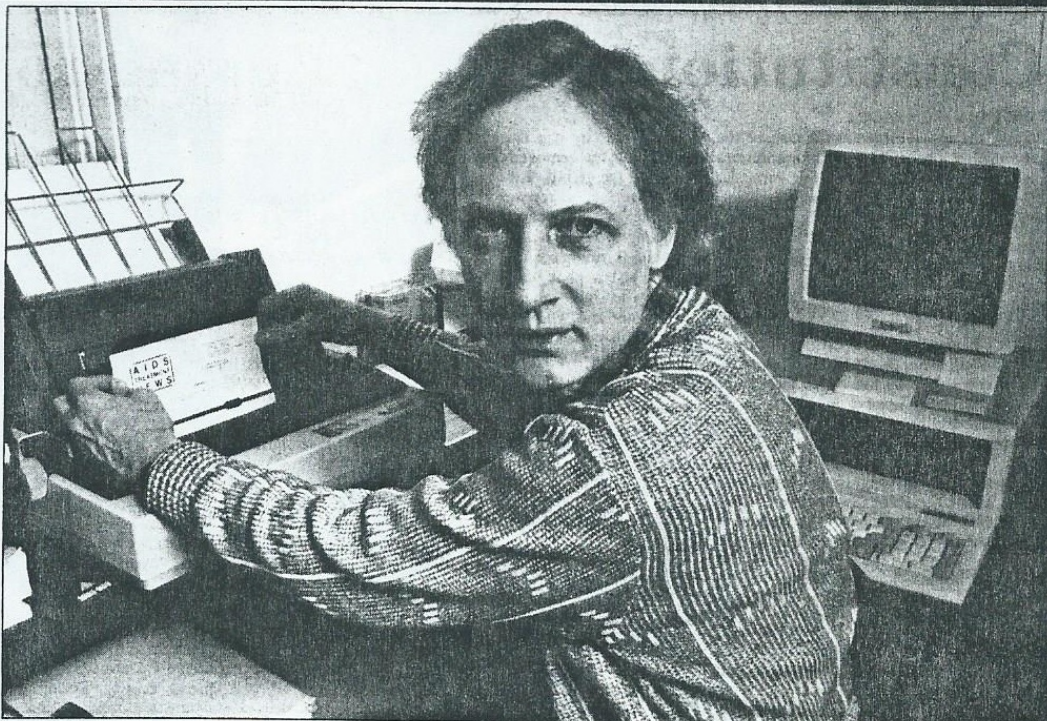
Sampson said fraudulent AIDS treatments are commonplace. "From what I've seen, cancer and arthritis patients stay within the medical system and 50 to 60 percent will try some sort of self-medication, such as vitamin C, to overcome the passivity of it all," he said. "With AIDS, it's more like 100 percent. It's understandable, and it's serious. They're not just dabbling in vitamin C."

Senior Assistant Attorney General Herschel Elkins, who heads the Los Angeles-based consumer law section, said the unit is investigating approximately a dozen such cases and plans to file additional suits, as well as refer cases to other state, federal and local agencies. Elkins said such prosecutions are difficult — in part because of disagreement in the medical community about appropriate treatments for the incurable disease.

Elkins said that the lack of scientific agreement creates special problems for lawyers. "It's like pulling teeth to get a declaration," he said. "People are very careful. They don't want to get involved. Sometimes I don't think I could get a declaration from a scientist that the planet Pluto is not made of green cheese. I could get a declaration that 'there is scientific evidence that the planet Pluto is not made of green cheese...'"

"You'll go to one scientist, and he'll say, 'I'm not an expert on that, but you can contact Joe,' and then Joe will say 'he's not an expert and to contact Phil,'" Elkins added. "Collecting material from the scientific community takes too long. We don't have a large enough staff or the time."

Despite the hurdles, Elkins said additional civil actions are imminent against individuals or firms advertising fraudulent AIDS cures. He said the phony promises vary widely, from claims to cure or prevent AIDS through various types of products to various vitamins and nutrients.



John S. James, task force member and publisher of the biweekly AIDS Treatment News in San Francisco:

*'I have mixed feelings. I don't want to detract from the effort. But beyond that rather narrow focus, where do you draw the line? The crying need is the speed of research and bad medical management of known treatments.'*

A frequent investigative target is fraudulent AIDS testing operations that misrepresent the academic and professional credentials of persons administering the tests, solicit contributions for testing or "frighten people because the test results are not valid."

But commercial scams aren't the only ones targeted by the task force. Solicitors claiming to represent charitable organizations also are being scrutinized.

Such claims are often difficult to prosecute because ads are intentionally vague. For example, one product is said to "aid the immune system." Botwin said the 24 task force members — who include medical and scientific authorities as well as consumer and civil rights lawyers and gay rights activists — have been especially helpful in providing information, which is used to initiate various legal actions.

"We've sent out a number of advertising substantiation [forms]," he said, referring to Sec. 17508 of the state Business and Professions Code, which enables the attorney general to ask that advertisers substantiate medical or clinical advertising claims.

As a result of responses to those requests, Botwin said, several cease-and-desist orders have been issued. One advertiser will be sued for failing to respond, Botwin said.

In one instance, he said, a physician utilizing "questionable medical practices" has been referred to the state Board of Medical Quality Assurance, which oversees the medical profession in California.

Botwin said AIDS quackery differs in many respects from other medical quackery — notably from phony cancer cures.

"Many cancers are treatable and can go into remission or be cured," Botwin said, noting that criminal cases have been successfully prosecuted against individuals who lured cancer victims into fraudulent treatments.

Because there is no known cure for AIDS, Botwin said, "people are more desperate and more inclined to grasp at straws and fall victim to unscrupulous [practitioners]."

Botwin is quick to add that the attorney general's effort to prosecute AIDS health fraud is not "at odds with the holistic community," which often suggests herbal and self-healing methods and often conflicts with allopathic medicine. Holistic as well as conventional practitioners are represented on the task force.

Dr. George Rutherford, medical director of the AIDS office of the San Francisco Department of Public Health, said the task force seeks to strike a balance between exposing health quackery against AIDS victims and respect for an individual's right to choose alternative treatments. "I don't want to intrude on that," Rutherford said.

A decision by an educated, well-informed adult victim to seek alternative treatment is not analogous to "the kinds of court cases that came out of, say, a child leukemia victim being taken across the border for herbal enemas and dying," he said.

John S. James, a task force member who is publisher of the AIDS Treatment News, a biweekly San Francisco newsletter on experimental and alternative treatments for AIDS, cautiously endorsed the task force efforts to take action against fraudulent or unsafe AIDS treatments.

"I have mixed feelings," he said. "I don't want to detract from the effort. But

beyond that rather narrow focus, where do you draw the line?" He urged that more effort be directed toward improving the efficiency of the scientific processes, including drug approval.

"When we talk about the slowness of science, it's nothing really cosmic," James observed. "It's a committee of doctors, often superstars with busy schedules, who finally get together to approve a drug."

He said the process is too slow and that medical information on AIDS is not promptly and efficiently shared.

"The crying need is the speed of research," he added, "and bad medical management of known treatments."

Stanford Medical School's Sampson said AIDS health fraud is "abetted or augmented by a sense of frustration with the system, encouraging distrust and leading to a type of thinking that is incompatible" with effective medical treatment. "It's almost as serious a social problem as it is a medical one."

Van de Kamp said he established the task force because he was "concerned that the slow pace of approving legitimate experimental drugs was driving many desperate AIDS patients into the cold-hearted embrace of medical quacks."

Elkins said legislation will be recommended by the attorney general's office when the Legislature reconvenes next month to bring AIDS under the felony cancer-quackery law.

Sampson — who favors treating AIDS quackery in the same way as the purveying of fraudulent cancer cures, as a felony offense — said physicians treating AIDS patients must take "a stance of understanding [while] adhering to accepted clinical standards."