

## By D. H. ARNOTT, M.D.

***"I say that this system is an outrage. To be brutally frank, it smells. And it is time the Government did something sensible about bringing its operations up to the same standard of ethics that it expects of business."***

***"I know what I am talking about. Since 1945 I have been a member of the Federal Trade Commission."***

So wrote Lowell B. Mason in an article published in the May issue of the American Magazine, 1948. Let us examine the Federal Trade Commission at work.

When the Federal Trade Commission attack—Dr. Koch on June 13th, 1942 it issued a "Complaint" which stated that FOR SEVERAL YEARS he has sold his therapeutic compounds "as treatments for various diseases and conditions of the human body" and that his products "do not possess any therapeutic value and their use will not benefit any disease."

The burden of proof, therefore, was upon the prosecution and for this purpose they called witnesses who had not "prescribed respondent's products or observed their effects in concrete cases," but who maintained under oath "that respondent's products, irrespective of the dilution in which they were used, are of no value in the treatment of any disease or disorder whatsoever."

The evidence of many reputable physicians, experienced in the successful use of the Koch therapeutic materials showed that the Koch products had great merit, but this was disregarded by the Commission.

To promote the conviction of Dr. Koch, the Federal Trade Commission obtained in November, 1942, a "temporary injunction" which restrained Dr. Koch from making any general written explanation to his many medical associates and patients, on the grounds that this would be advertising the Koch products. The "temporary injunction" was granted by Judge O'Brien before whom the Pure Food and Drug Administration Action was to be heard, and was still in effect when the adverse finding was made by the Federal Trade Commission nine years later.

In its "*Findings as to the Facts*" issued August 24th, 1951, the commission said in part, (AND NOTE THIS CAREFULLY) that the "preparations have been offered for sale and sold as treatments for various diseases and conditions of the human body AND IN ANIMALS." The original "Complaint" did not mention "animals" for the simple reason that neither in Canada nor in the United States were the Koch therapeutic materials sold for the treatment of animals until after Dr. Koch had been arrested. **Therefore, this item of the Finding, under the circumstances, is a complete factual falsification advanced for the purpose of deceiving the public.**

In launching the attack on Dr. Koch there was the closest cooperation between the Pure Food and Drug Administration and the Federal Trade Commission, but when in 1946 one thousand pages of evidence very favorable to the use of the Koch treatment for diseases of animals was adduced and placed upon the court record of the Pure Food and Drug Administration's action against Dr. Koch, this co-operation proved to be of interest only where it served the purposes of conviction, and the favorable evidence was refused a

**hearing by the Federal Trade Commission. The unfavorable finding brought in five years later could not have been advanced without this favorable evidence being refused.**

The favorable evidence was presented by the Department of Agriculture of the Province of British Columbia, Canada, together with some who had cooperated with the Department in actual field demonstrations. In 1949 regarding the treatment of mastitis the Department reported in part:

“The reduction in the number of bacteria between the first test and the second one, made seven days later, was so remarkable that the setting-up of the Committee was justified in that brief interval.”

**The work of the Department was so well done, the results were so clearly successful, and so ably presented, that the prosecution offered nothing in rebuttal.**

**Nine years have been spent by the Federal Trade Commission in grim but fruitless efforts to destroy Dr. Koch’s therapeutic discoveries. Nothing more need be said to condemn the actions of the Commission for conducting grossly biased hearings, and for bringing in a finding which is flagrantly unjust and also stupidly false.**

**Great harm has been done to Dr. Koch and myself, but the vast harm that has accrued daily to the Public has been and remains incalculable.**

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