

**denounce all restrictions upon
the free use of monopolies for the benefit of
physicians! —1922**

opinion, could not believe Congress intended to legislate in the complex area of therapeutics. He concluded that Johnson could not be prosecuted for "mistaken praise" of his treatment, even though the indictment charged that he knew his claims were false.

Justice Charles Evans Hughes, one of three dissenters, thought just the opposite. The law prohibited labeling that was "false or misleading in any particular", and Hughes believed Congress meant what it said. In his view the courts had been made responsible for determining from the evidence whether or not a drug was misbranded. He saw the Holmes decision as opening the door to every kind of quackery, which indeed it did.

President Taft at once called on Congress to close this dangerous gap in the law. What he said applies as much today as in 1912:

"There are none so credulous as sufferers from disease. The need is urgent for legislation which will prevent the raising of false hopes of speedy cures of serious ailments by misstatement of facts as to worthless mixtures on which the sick will rely while their disease progresses unchecked."

Congress responded with the Sherry Amendment, which made it a crime to label drugs with false and fraudulent claims of therapeutic effectiveness. Unfortunately, the words "and fraudulent" made it difficult for the Government to prosecute, in many cases, because it was necessary to prove the defendant intended to swindle the purchaser. Twenty-six years later, in 1938, Congress passed a new food and drug law which eliminated the so-called "fraud joker" and required scientific proof of safety before a new drug could be sold. And in 1962 the Congress voted unanimously for even stronger drug controls which required effectiveness as well as safety to be established before a drug goes on the market, a milestone advance in medical history. Opposition to the legislation continued in the courts, but in 1973 the Supreme Court unanimously upheld the law and the FDA's enforcement program.

A tremendous improvement in the quality and reliability of drugs has resulted from the drug effectiveness law. In the area of prescription drugs, for example, more than 6800 products have been removed from the market since 1962 because of the lack of evidence that they were effective, and the labeling of some 2000 others has been

changed to reflect today's medical knowledge. Even more important, the law made the drug manufacturers responsible for proving the merits of their products, rather than requiring the Government to go into court in each case to show that a drug was misrepresented or unsafe.

—But it was the unproven cancer treatments that demonstrated most strikingly the need to establish effectiveness of drugs before allowing them on the market.

The Koch Treatment—Distilled Water

The great cancer swindle of the 1940's and early 1950's, and one of the greatest medical hoaxes of all times, was promoted by William F. Koch, M.D., of Detroit, who did business as the "Christian Medical Research League". Dr. Koch's treatment was a bonanza. Analysis showed it to be distilled water of extraordinary purity, but Dr. Koch claimed it contained 1 part of its alleged active ingredient, the chemical glyoxylyde, in 1 trillion parts of water! A Federal prosecutor said this dilution was like dumping a cocktail into the Detroit River and expecting to get a kick from the water flowing over Niagara Falls. There was no evidence that glyoxylyde had any therapeutic effect. But a great many people believed in it—over 3000 health practitioners across the nation paid \$25 per ampul for it, and charged patients as much as \$300 for a single injection! In 1942 the Federal Trade Commission, seeking evidence to ban Dr. Koch's advertising as false and misleading, held hearings in 21 cities. Local practitioners who testified ranged from reputable doctors who were misled by the advertising to fakery with no medical training whatever.

In 1943 the FDA prosecuted Dr. Koch. The trial lasted 18 weeks. Forty-three expert witnesses testified that the Koch products were misbranded and not effective in the treatment of cancer or any other disease. The defense had 104 witnesses who said the products were efficacious in the treatment of 69 different diseases, from acute appendicitis to herpes zoster, with special emphasis on cancer, tuberculosis, and coronary thrombosis. After 9000 pages of testimony (2 250 000 words) the case went to the jury, which deliberated 8 days without reaching a verdict, and was dismissed.

A poll of the jurors showed three who had insisted on acquittal from the outset. Human credulity had again been shown to be a major factor in the success of quackery.

Dr. Koch was tried again in 1946, but after five months a juror became ill and a mistrial was declared. In 1948, after an FDA inspection of

I WILL GIVE \$1000

IF I FAIL TO CURE ANY CANCER OR TUMOR

I treat before it Poisons Deep Glands or Attaches to Bone.

NO KNIFE OR PAIN, NO PAY UNTIL CURED.

NO X-RAY OR OTHER SWINDLE.

A Pacific Island shrub or plant makes the cure—the most wonderful discovery on earth to-day. **3000 CANCERS** cured on people you can see and talk with. **ANY TUMOR, LUMP OR SORE** on the lip, face or anywhere six months is, nearly always, Cancer. Poor cured free if cancer is very small on face.

ANY LUMP IN WOMAN'S BREAST IS CANCER

It does not pain until almost past cure, and if neglected it **ALWAYS** poisons the deep glands in the armpit, then it is often too late and still no pain. Deep in the shoulder GATE MY ABSOLUTE GUARANTEE. **BEHOLD TO GET MY 120-PAGE BOOK** sent free, with symptoms, addresses and testimonials of thousands cured, and write to them.

DR. & MRS. CHAMLEE & CO., [Strictly Reliable.]
201 AND 203 N. TWELFTH STREET, ST. LOUIS, MO.

KINDLY SEND THIS TO SOME ONE WITH CANCER.

Chemical analysis of "Chamlee's Cancer Specific" from a "Pacific island shrub" showed only alcohol, water, and small amounts of iron, strychnine, and saccharin. Ads such as this appeared until the 1930's when stronger laws and rigorous enforcement put an end to them.

Koch's laboratories, he announced he was retiring and went to live in Brazil. For a time the business was continued by Koch's associates under the name of the Christian Medical Research League. A product known as the "Koch Treatment" continued to be sold in Mexico long after it disappeared in the United States.