OPTIONS
Revolutionary Ideas in the War on Cancer

People Against Cancer THE NEWSLETTER OF PEOPLE AGAINST CANCER Volume 6, Number 1, May 2000

FDA vs Navarro An American Tragedy

Editorial

A great American tragedy is unfolding in the land where I was born.

The freedom we prize as a nation has been stolen.

Stolen by faceless bureaucrats in Washington who have seized control of our most prized possession—the right to make life and death decisions for ourselves and our family.

Thomas Navarro has a deadly brain tumor. He is dying.

Dr Burzynski could save him.

But the FDA couldn't care less.

They demand instead, that the four-year old from Arizona have chemotherapy and radiation—which are deadly toxic, ineffective and highly profitable.

After all, the FDA has the financial interests of the pharmaceutical industry to protect.

I am ashamed of my country.

The words of Dr Morris Fishbein echo in my head—*"Like ghouls feasting on the bodies of the dead and the dying."*

The outrageously profitable medical monopoly has taken control of our physicians, our politicians and our country.

In the land of the free, and the home of the brave, how can this be happening?

The freedom we hold so dear is gone.

It does not apply when American citizens want to take a safe and effective treatment for cancer. We have given the bureaucrats the power to make life and death decisions.

And they have an un-erring instinct to do the wrong thing.

If the FDA wins and Thomas Navarro dies—little by little, piece by piece, we all die with him—

In The FDA vs Thomas Navarro: An American Tragedy.

OPTIONS

Options: Revolutionary Ideas in the War on Cancer is published quarterly as the Newsletter of People Against Cancer. We hope you find it both provocative and informative.

Thomas Navarro, four-year old diagnosed with a rare and fatal brain tumor called a medulloblastoma.

ALSO IN THIS ISSUE

People Against Cancer

FDA Refuses Thomas Navarro Burzynski Treatment

Thomas Navarro is a four-year old boy from Arizona who was diagnosed late last year with a rare and fatal brain tumor called a medulloblastoma.

To his parents shock and horror, they discovered there was no good conventional therapy.

Worst of all, despite the fact there is no good conventional therapy, the FDA won't let him be treated with a safe and effective alternative therapy.

In the fall of 1999, brain surgery revealed the tumor in his brain. After extensive and exhaustive research, Jim and Donna Navarro, Thomas' parents, contacted the Food and Drug Administration (FDA) in Washington to ask the agency to grant them a Compassionate Use Investigational New Drug Permit (Compassionate IND) to allow Stanislaw Burzynski, MD, PhD, a cancer clinician in Houston, Texas to treat their son Thomas.

The FDA refused.

Jim and Donna Navarro made the most difficult decision of their lives.

They decided to fight the FDA.

They had no idea they would be in for the fight of their lives.

The Navarro's took their case to the public, the press and the politicians. They even traveled to Iowa and caught the ear of Presidential hopeful Alan Keyes who took up the cause and asked his Republican colleagues to sign a letter requesting that FDA allow Navarro to be treated by Burzynski. Governor George W Bush, Arizona Senator John McCain, Senator Orin Hatch all signed on. But the FDA still refused.

Today, nearly six months later, Thomas Navarro's life hangs in the balance because the FDA will not allow

Navarro cont'd on page 2

Navarro (cont'd from page 1)

Thomas to be treated—insisting he must first receive dangerous toxic chemotherapy and radiation—a protocol which has never been approved by FDA.

Critics charge that the fight is political and not scientific at all. They charge that the FDA simply hates Burzynski. An investigation into these charges shows that in the past 15 years, FDA has raided his clinic, illegally seized the medical records of his patients and convinced federal prosecutors to file three separate federal indictments totalling 75 counts against Burzynski.

"The FDA is a shill of the pharmaceutical industry," says cancer researcher Frank D Wiewel who heads the non-profit organization People Against Cancer. "FDA has waged a vicious 15 year 'witch-hunt' against Burzynski," says Wiewel, and it has cost the American taxpayer over 16 million dollars.

Indeed, three separate federal grand juries cleared Burzynski on all counts.

"The FDA is wrong," says Wiewel. "They are wrong about demanding that Thomas Navarro receive the deadly toxic chemotherapy and radiation protocol. It is dangerous, it is toxic, it is unproven, it causes devastating life threatening side effects and—it has never even been approved as safe and effective by the FDA themselves."

"They are also wrong about Burzynski," Wiewel argues. In 1996, as the Co-chairman of the Pharmacological and Biological Treatments Committee at the Office of Alternative Medicine (OAM) at the National Institutes of Health (NIH), Wiewel led a site visit to the Burzynski Clinic in Houston. "I saw clear and convincing evidence that Burzynski had the safest and most effective therapy for brain cancer anywhere in the world."

A further investigation by ***Options*** revealed that despite the best chemotherapy and radiation medulloblastoma remains universally fatal.

The most current research, comes from St Jude Hospital (published in the *Journal of Clinical Oncology,* Vol 17, Issue 12, Dec 1999, 3720-3728) and describes the chemotherapy and radiation treatment of 29 children for medulloblastoma with an average age of 2.6 years. It reveals:

Thomas Navarro with family and Frank Wiewel.

- "Young children treated for medulloblastoma are at especially high risk for morbidity and mortality from their disease and therapy;"
- "The majority of infants treated for medulloblastoma experienced disease progression during initial chemotherapy;"
- "5-year survival…was 51% (+ or - 10%);"
- 49% of the children treated with conventional chemotherapy and radiation were dead at five years;
- 80% of children treated with conventional chemotherapy still had tumor at 5 years;
- Average survival was only seven years after treatment with chemotherapy and radiation;
- The longest survival in the trial was only 11 years (3% long-term survival);
- Serious side-effects devastate all children treated with conventional chemotherapy and radiation. The report states, "All patients treated in this fashion have significant neuropsychologic deficits…the late toxicity is significant and sometimes devastating." These include: (1) Statistically significant average drop in IQ of 3.9 IQ points per year; (2) Statistically significant decline in sensory function; and (3) "All survivors required long term hormone replacement therapy and had significant growth abnormalities."

The FDA, admits that these side-effects are real, but insists that Thomas Navarro must be treated with chemotherapy and radiation. They have steadfastly refused to allow him to be treated by Burzynski's antineoplastons, despite the fact that Burzynski has complied with all FDA requirements and is conducting over 72 FDA approved trials on the naturally occurring treatment.

After appearances on the NBC evening news with Tom Brokaw, CNN and a feature story in *People Magazine,* several members of the U.S. Senate also joined in to ask FDA to allow Navarro to be treated by Burzynski. And U.S. Congressman Dan Burton (R-IN) has even introduced the Thomas Navarro Freedom in Treatment Act to allow Thomas and other U.S. Citizens the freedom to be treated as they wish.

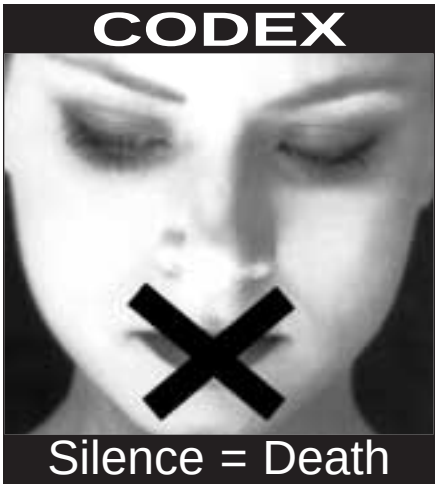
The FDA still refuses.

This week, Thomas Navarro was forced to leave the land where he was born to find treatment in a foreign country.

Chemotherapy Side-Effects in Medulloblastoma

Cisplatin—swelling of face, unusually fast heartbeat, wheezing, tissue damage and scarring at the injection site, difficulty hearing, fever, chills, sore throat, side or stomach pain, joint pain, ringing in ears, swelling of feet or lower legs, unusual bleeding or bruising, loss of taste, unusual tiredness or weakness, numbness or tingling in the fingers, toes or face, blurred vision, hearing problems are more likely to occur in children, nausea, vomiting and death;
Cyclophosphamide—blood in urine, painful urination, dizziness, confusion, agitation, fever, chills, sore throat, missed menstrual periods, tiredness, cough, side or stomach pain, joint pain, shortness of breath, swelling of feet or lower legs, unusual bleeding or bruising, unusually fast heartbeat, black, tarry stools, sores in mouth and on lips, unusually frequent urination, unusual thirst, jaundice (yellow eyes and skin), redness, pain or swelling at injection site, darkening of the skin, and fingernails, loss of appetite, loss of hair, nausea, vomiting and death;
Etoposide—fever, chills, sore throat, mouth or sores on lips, unusual bleeding or bruising, difficulty walking, numbness or tingling in fingers and toes, pain at the injection site, rapid heartbeat, shortness of breath or wheezing, weakness, loss of appetite, loss of hair, diarrhea, unusual tiredness, nausea, vomiting, and death.

CODEX: World Harmony–Or the Single Greatest Threat to Medical Freedom?



CODEX Alimentarius is an effort to harmonize the worlds regulations of foods, drugs and vitamin supplements.

Sounds harmless enough. But critics charge that it may be the greatest threat to medical freedom in modern times.

While most people have never heard of CODEX, health freedom activists around the world are gearing up for the fight of their lives in the latest round of CODEX in Berlin on June 19-23, 2000.

Dr Mathias Rath, a colleague of the late two-time Nobel laureate Linus Pauling is leading the fight. Dr Rath is convinced that CODEX represents the single greatest threat to health and freedom that the world has ever faced.

He argues that it is little more than an effort of the international pharmaceutical cartel to control the new and emerging field of alternative medicine. Dr Rath doesn't hide his outrage when he speaks of the "Nazi terrorists" in the German Pharma-cartel who want to deny us access to vitamins, mineral and herbs and make them drugs.

And recently a massive price fixing scheme was uncovered and criminal convictions were obtained by the U.S. Justice department. Many will go to jail (see page 7).

Rath and his colleagues have organized a massive international protest effort to be held in Berlin before and during the CODEX Conference in June. He claims that if the CODEX regulations are voted in, it will eliminate vitamins, minerals herbs and other supplements as a way to prevent and fight disease. Rath poses the question on his website www.drrath.com: "Why is Health Not Yet a Human Right?" He goes on to say that "The market place of the pharmaceutical industry is the human body." He points out, "The foundation of this industry is the 'Business with Diseases'—not its prevention or eradication." He states, "More than 24,000 pharmaceutical drugs currently on the market–98% of all drugs–are without any proven therapeutic value."

Rath further states, "The dangerous side effects of these pharmaceutical drugs have become the fourth leading cause of death–after heart attack, strokes and cancer–thereby further expanding the global pharmaceutical market."

CODEX Alimentarius means "food code" in Latin. It is also the name of a United Nations commission that operates as part of the World Health Organization. The Codex Alimentarius Commission's goal is to set international standards for trade in all kind of food products.

Codex will indeed force international controls on food, pesticide and other contaminant levels, nutritional content, and food and supplement labeling. Codex also seeks to control global trade rules for health supplements. That is what frightens health activists around the world.

The Codex Commission wants to establish a world guideline, which says that no dietary supplement can be sold for preventive or therapeutic purposes.

The FDA attempted to make dietary supplements into drugs in the early 90s. However, in 1994 the U.S. Congress passed the Dietary Supplement Health Education Act (DSHEA) to protect supplements from the historic animosity of the U.S. Food and Drug Administration (FDA). The grassroots effort in support of DSHEA passage resulted from the single largest outpouring of mail and phone calls in the U.S. congress history.

Despite the fact that CODEX is in direct contravention of this U.S. law, the FDA is behind it and pushing it hard.

Critics argue that FDA even introduced a fraudulent document by the National Academy of Sciences (NAS) supporting imaginary health risks for supplements. And health freedom activists recently uncovered the fact that the NAS document was paid for by the pharmaceutical cartel.

Dr. Rath pictured with Frank Wiewel in the Netherlands.

In open defiance of U.S. law, the FDA regulations will not allow the health industry to tell us what health benefits the supplements might have.

However, Dirk Pearson, author of the best seller *The Life Extension Revolution* and a leader of the Health freedom movement in the U.S., recently won a historic battle against the FDA in Federal court. The court has said the FDA must immediately allow true and valid health claims. Nevertheless, FDA has defied the federal court order.

Now the FDA and the Codex Commission wants to create international regulations that limit over-the-counter sales of dietary supplements to those of low or RDA dosage, the kind that prevent deficiency diseases but not chronic diseases like heart disease and cancer. High potency supplements would not be allowed to be sold except as "prescription only."

Dietary supplements of higher potency–the dosages that strengthen the immune system and fight heart disease and cancer–would become pharmaceuticals available only after a doctors visit and a trip to the pharmacy.

Additionally critics argue that many supplements have never been given a recommended daily allowance (RDA). These substances, such as MGN-3, Beta 1,3, Glucan, CO-enzyme Q-10, IP-6, bioflavonoids, selenium and chromium would also be classified as drugs available from a doctor by prescription only.

"Once again the FDA has demonstrated an unerring instinct to do the wrong thing. The FDA should dismantled," says health activist Frank Wiewel."

Cheryl Clark: The

CHERYL'S STORY
by Bill Asenjo, MS, PhD(c), CRC

As Cheryl Clark began a weekend horseback ride on a sunny October afternoon in 1997 she had no idea a time bomb ticked in her head.

While her horse picked-up speed a brain tumor triggered a violent seizure, throwing the 48 year old former athlete to the ground with a bone-crunching thud, fracturing her spine, eight ribs and damaging vital internal organs.

The bad news didn't stop there. At the hospital a CT scan revealed a brain tumor the size of a lemon. Surgeons quickly removed the tumor, two days later they fused her spine. It seemed the worst was over.

But as Cheryl began recuperating, a pathology report delivered devastating news: the tumor was diagnosed as a glioblastoma multiforme (GBM IV), the most aggressive of brain tumors. Even when surgically removed, this tumor grows back with a vengeance. Radiation and chemotherapy only slow its growth. Fewer than 1% survive more than five years. Conventional cancer specialists consider it to be incurable. Cheryl was given 3-6 months to live.

Yet more than two years later Cheryl not only survives, but thrives. After several brain and spine surgeries, weeks of radiation and a Gamma knife boost, today she jogs, is busy assisting with brain tumor research and continues to be active in a brain tumor support group she helped form.

Cheryl's Treatment Plan

Cheryl's remarkable recovery is due in large part to an intensive nutritional program designed by Dr Jeanne Wallace, a PhD in nutrition and a clinical nutrition consultant (CNC). Wallace, who has worked with a variety of cancer patients, now focuses her practice on those who have brain tumors.

Wallace created a protocol consisting of diet, nutritional and herbal recommendations to provide the best foundation for healing. She also advised Cheryl to greatly reduce her intake of sugar. Sugar has been known to suppress the immune system while it feeds cancer cells—which consume sugar much faster than healthy cells. Omega-3 fats, found in fish and flax, were emphasized for their ability to reduce inflammation, help slow tumor growth, and boost the immune system. Wallace chose specific herbs to strengthen Cheryl's immune system: Siberian ginseng, astragalus, cat's claw and several mushrooms extracts (Maitake D-fraction, Chinese reishe, shiitake, cordyceps and Coriolus versicolor).

As Dr Wallace observed, "Surgery, radiation and chemotherapy–sometimes likened to cutting, burning and poisoning–are not the only ways to impact cancerous cells. For example, select agents can slow the growth of new blood vessels to the tumor (known as angiogenesis), thereby preventing tumor progression. The immune system can be strengthened so that it more effectively identifies and eliminates cancer cells.

"Inflammatory processes which fuel tumor growth can be interrupted. Certain substances tell cancer cells to mature into healthy cells (referred to as differentiation) or to undergo natural cell death (a type of cell-suicide called apoptosis)."

Cheryl has utilized a number of natural substances in her approach to cancer. Most prominent is IP6 (inositol hexaphosphate combined with inositol). Research shows that IP6 inhibits tumor growth, stimulates the immune system, and prompts cancer cells to differentiate. She takes 16 capsules of IP6 per day, emptying the capsule contents into drinking water and taking it on an empty stomach. Cheryl's nutritional protocol also includes soy genistein, bromelain, berberine, glutathione, quercetin, alkylglycerols, St. John's wort and a special class of bioflavonoids called proanthocyanidins.

Nutrition & Radiation

Cheryl chose to be selective about conventional treatments in an effort to preserve her quality of life. Rather than blindly accept whatever treatment her doctor chose, she wanted to work in partnership with her oncologist. After weeks researching the value of radiation and chemotherapy for brain tumor patients, she decided to refuse chemotherapy but proceeded with radiation therapy.

But since radiation alone is not effective against GBMs, Jeanne and Cheryl decided to combine it with select herbs and nutrients to make the tumor more vulnerable and reduce side-effects. Since a tumor's resistance to radiation can be caused

Cancer Survivors Program

by low oxygen levels, Cheryl took niacin (500 mgs. daily) and germanium (GE-132, 1000 mgs. daily) which increased the flow of oxygen-rich blood to the tumor. Cheryl also took moderate amounts of antioxidants even though some oncologists believe they are counterproductive during radiation. As Dr Wallace observed, "Although some oncologists hold the outdated belief that antioxidants are contraindicated during radiation and chemotherapy, research studies spanning 30 years show that antioxidants taken during radiation and chemotherapy can be helpful."

One hour before her daily radiation treatments, Cheryl took vitamin C (1,500 mgs.) and vitamin E (800 IUs) to protect healthy brain tissue and reduce swelling. In order to maximize the radiation's effectiveness and further protect healthy brain tissue, Cheryl included shark liver oil (200 mgs. daily), melatonin (5 mgs. nightly), St. John's wort (900 mgs. daily) and whey protein (4 tablespoons per day). As Dr Wallace observed, "Research into these supplements suggests they can maximize the effects of radiation while protecting healthy tissue."

As a result of this nutritional program, Cheryl did not experience fatigue, side effects, or complications from radiation therapy. An MRI revealed the tumor responded well.

Encouraged by the results, in June 1998 Cheryl decided on an experimental therapy known as gamma-knife radiosurgery which directs high-intensity radiation at the tumor from a variety of angles.

As a result of her nutritional regimen, Cheryl again remained free of side-effects. Since that time Cheryl's MRIs have been stable and she has not had any further conventional treatments.

She has continued her nutritional and herbal support program. At this time she has no signs or symptoms of the tumor, no neurological deficits and requires no medications.

More Than a Physical Fight

Rather than limiting her focus to the physical aspects of this disease, Cheryl's holistic approach also included acupuncture, Belle Ruth Naparstek's audiotape of visualizations for people with cancer, affirmation tapes, prayer, massage (including zero balancing, polarity and Shiatsu), along with cultivating a positive attitude.

As Cheryl readily admitted, "I haven't always had a positive attitude. Before this brain tumor journey began, several personal losses had piled-up causing me to become seriously depressed. I lost both my parents to cancer—my father died from lung cancer in 1982, and my mother from colon cancer in 1985. An important seven-year relationship ended in 1989. My attitude bottomed-out, and I felt like giving up on life. It took a long time to pull myself to the surface again. But just as I finally began enjoying life, the brain tumor struck." Cheryl added, "Ironically, since being diagnosed, I haven't been depressed—a little sad at times, but not depressed. For years I didn't care if I lived, but when faced with the possibility that I might die, every molecule of my being ached to live. Instead of focusing on my losses, I focused on all that was good. Instead of telling myself, 'I might only have a short time to live,' I took the attitude 'I still have many days to live, play, love…and I'm going to make the most of them.'"

At first, Cheryl joined a support group for women with cancer because she needed help. Later, grateful to be alive and interested in helping others, she and several others formed a local support group for people with brain tumors.

As Cheryl's close friend, Jeanne also provided emotional support, helping to cheer Cheryl and keep her attitude "adjusted." Cheryl collected cancer survivor stories, and asked friends and family to channel their energies into prayer.

"This journey has been exciting and rewarding," Cheryl said. "Exciting simply because I'm still here; rewarding because of the opportunity to help others."

Today, as Jeanne's research assistant, Cheryl says, "The work I do as Jeanne's assistant keeps me very busy." Adding with a smile, "It's now 2 years and 4 months since the day my brain tumor was diagnosed, and I'm enjoying life fully and passionately. I treasure every day."

Jeanne M. Wallace, PhD, CNC, is a member of the Association of California Nutrition Consultants and the American Holistic Health Association. To contact Dr Wallace: E-mail: jeanbean@cruzio.com Or write to: Jeanne M. Wallace, Ph.D., CNC Nutritional Solutions, 3300 Portola Drive, Suite 6 Santa Cruz, CA 95062 USA, Phone/Fax: (831) 464-9510.

Segments of this account were drawn from Dr Wallace's articles, "Battling a brain tumor with integrative medicine" which appeared in the July/August 1999 issue of *Total Health* magazine, Volume: 21 (3), pgs. 22-23 as well as "Adjunctive Nutrition and Phytotherapy for Primary Malignant Brain Tumors" which appeared in the March/April 1999 issue of the *International Journal of Integrative Medicine,* Volume 1 (2), pgs. 28-35.

Carcinogens—At 10,000,000 Times FDA Limits

18 Year Old Finds Carcinogens in Microwaved Food

CONWAY, Ark. (AP)

Claire Nelson was in the seventh grade when the thought occurred to her: Can cancer-causing particles seep into food covered with household plastic wrap while it is being microwaved?

"I thought it would be easy to test," said Nelson, 18, a freshman at Hendrix College.

Motivated by her discovery that no one had done extensive research on plastic wraps before, Nelson decided to study the effects of radiation on carcinogens. Roughly six years later, she is receiving international accolades and meeting some of the most influential people in the scientific field.

Nelson had read that one of several suspected carcinogens-di(ethylhexyl) adepate, or DEHA—is in many plastic wraps, and that the Food and Drug Administration had never tested whether the carcinogen migrated into food being microwaved. That's when she got her idea.

She microwaved plastic wrap in virgin olive oil, hoping to find that the carcinogens seeped into the oil. She found that, and more.

"I tested four different kinds of plastic wraps and I found not just the carcinogens but also xenoestrogen was migrating, and that causes low sperm count in men and breast cancer in women," Nelson said.

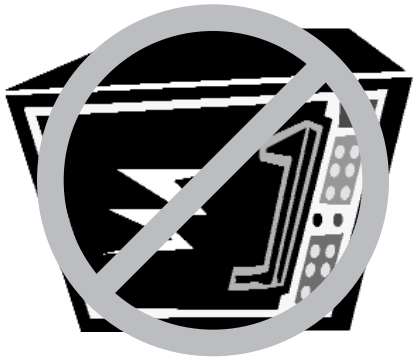
Getting to that point took discipline and determination.

At age 12, Nelson didn't have the resources to undertake her research, and so set it aside.

"I had the idea, but I didn't start to work on the project until the 10th grade," when the promise of an automatic A in a science class revived it, she said.

"My teacher said if we made regionals in the science fair that we would get 10 bonus points. So I asked what we get if we make states, and she said 30 points. Then I asked what we get if we make internationals, and she said an automatic A," Nelson said.

Without the equipment or facilities to get the job done, she started making phone calls. Many calls later, she got help from Jon Wilkes, a scientist at the



National Center for Toxicological Research in Jefferson, southeast of Little Rock.

"She found carcinogens 10,000,000 times FDA limits.

"They wouldn't let you do it if it was that dangerous. I hear that everyday. Who's 'they?' FDA is busy trying to prevent U.S. citizens from taking vitamins, minerals and herbs that fight cancer."

—Frank D Wiewel

"Sometimes students who work with us ask for help with science projects. In her case it was different," Wilkes said. "She had already done a fair amount of research and she had already concluded that nobody had ever studied plastic wraps."

Nelson, by then a junior at Hall High School, at first had her mother drive her 25 miles every couple of days from the family's home in Little Rock to Jefferson. A year later, with her family moved to Mississippi and she living in an apartment in Little Rock, Nelson was making the trip by herself and balancing time between debate team competition and cheerleading.

Wilkes said it isn't rare for non-scientists to come up with an idea like Nelson's, but it is rare for them to actually pursue a way to test their theories. Wilkes and the toxicological research center, an arm of the FDA, let her run her experiments using government equipment.

"Sometimes she would be asleep standing up," Wilkes said. "But she'd be there working—if there was no debate or basketball game to cheer at."

Her research concluded, Nelson got her A.

"The first year I had specific evidence but not numbers. The second year I got the numbers," said Nelson, whose family continues to live in Southaven, Miss., outside Memphis, Tenn.

Her analysis found that DEHA was migrating into the oil at between 200 parts and 500 parts per million. The FDA standard is 0.05 parts per billion. Nelson couldn't find any regulations concerning xenoestrogen.

Her findings won her the American Chemical Society's top science prize for students while she was a junior. Last year, she was the salutatorian at Hall and placed fourth in the International Science and Engineering Fair in Fort Worth, Texas.

Recognition for her research continues as Nelson completes her freshman year at tiny Hendrix College in Conway. Her findings were published as a one-paragraph summary in several science journals, and submitted to others. Nelson also appeared in an advertisement in the March edition of *Discover* magazine, touting the international science fair.

"I went to Washington recently for the largest science conference in the world and I got to meet Nobel Prize winners from all over the world," she said.

Still, Nelson isn't sure whether she wants to pursue a career in science.

"I'm undeclared right now," she said of choosing a major. "I think I might want to get into broadcast journalism."

Once again the FDA has failed to protect the U.S. citizens from a deadly situation we face every day.

"She found carcinogens 10,000,000 times FDA limits. They wouldn't let you do it if it was that dangerous. I hear that everyday. Who's 'they?' FDA is busy trying to keep U.S. citizens from taking vitamins, minerals and herbs that fight cancer," says consumer advocate Frank Wiewel. "We need a complete restructuring of the FDA—our very lives depend upon it."

Pharmaceutical Cartel Found Guilty of Worldwide Price Fixing

WASHINGTON, D.C.

Two German pharmaceutical manufacturers–Merck KgaA and Degussa-Huls AG–and two U.S. pharmaceutical companies–Nepera Inc. and Reilly Industries Inc.–agreed to plead guilty and pay criminal antitrust fines totaling $33 million for participating in two separate worldwide conspiracies to suppress and eliminate competition in the vitamin industry, the Department of Justice announced. In addition, two former executives of Nepera have agreed to plead guilty, pay criminal antitrust fines totaling $150,000, and to serve time in prison for their roles in the conspiracy.

Including these cases, 24 prosecutions have resulted from the Antitrust Division's ongoing investigation of the worldwide vitamin industry. In a one-count criminal case filed in U.S. District Court in Dallas, the Department of Justice charged Merck with conspiring to raise, fix, maintain prices and allocate sales volumes of vitamin C sold by it and other unnamed co-conspirators in the U.S. and elsewhere.

In five separate criminal cases also filed, the Department charged Degussa-Hüls, Nepera, Reilly Industries, and individuals Roger Noack and David Purpi, with conspiring to raise, fix, maintain prices and allocate the sales volumes of niacin and niacinamide (vitamin B3) sold by them and other unnamed co-conspirators in the U.S. and elsewhere.

"These prosecutions reinforce our determination to prosecute and eliminate international cartels," said Joel I. Klein, Assistant Attorney General in charge of the Department's Antitrust Division. "We will continue to vigorously pursue convictions and significant sentences against corporations and business executives who violate U.S. antitrust laws to the detriment of American consumers."

Merck, headquartered in Darmstadt, Germany, is the fourth company to be charged in the global vitamin C cartel. Merck has agreed to pay a $14 million criminal fine for participating in the vitamin C conspiracy from early 1991 until the Fall of 1995. Previously, F. Hoffmann-La Roche Ltd., BASF AG, and Takeda Chemical Industries Ltd., pleaded guilty and have been sentenced for their participation in the vitamin C conspiracy. According to the charge, Merck joined and participated with other unnamed co-conspirators in the vitamin C conspiracy to suppress and eliminate competition worldwide by:

- participating in meetings and conversations to discuss the prices and volumes of vitamin C sold in the U.S. and elsewhere;
- agreeing, during such meetings and conversations regarding vitamin C, to fix, increase, and maintain prices at certain levels in the U.S. and elsewhere;
- agreeing, during such meetings and conversations regarding vitamin C, to allocate among the corporate conspirators the approximate volume of vitamin C to be sold by them in the U.S. and elsewhere;
- exchanging sales and customer information for the purpose of monitoring and enforcing adherence to the above-described agreements;

Price Fixing cont'd on page 8

MEMBERSHIP FORM

Yes! I would like to support the important work of *People Against Cancer.*

- ❑ $35 .....**Regular Annual Membership** — Includes our newsletter, *Options.*
- ❑ $50 .....**Foreign Regular Annual Membership** — Includes our newsletter, *Options.*
- ❑ $100 .....**Supporting Annual Membership** — Includes our newsletter, *Options,* plus a free book.
- ❑ $450 .....**Sustaining Annual Membership** — Includes the Alternative Therapy Program with: a comprehensive search for the best treatment options worldwide, a detailed written report, an extensive personal telephone consultation, unlimited one year follow-up. Also includes our newsletter *Options* and the book *Repression and Reform.*
- ❑ $500 .....**Benefactor Annual Membership** — Includes all the benefits of Sustaining membership plus a free book.
- ❑ $1,000 .....**Founding Annual Membership** — Includes all the benefits of Benefactor membership plus special select reports and publications.
- ❑ $5,000 .....**Patron Annual Membership** — Includes all the benefits of Founding Membership and all select reports and publications.
- ❑ $10,000 .....**Golden Circle Patron Membership** — Special Membership with all select reports and Golden Circle publications.

People Against Cancer

Name (print) _____

Address _____

City/State/Zip _____

Phone (w/area code) _____

❑ Renewal ❑ New Member

❑ Special Extra Donation (US funds) $_____

❑ I have enclosed (US funds) $ _____

❑ MC/Visa #_____ Exp _____

People Against Cancer

Send Tax-Deductible Check in U.S. FUNDS (only) to:
P.O. BOX 10 • OTHO, IA 50569-0010
515-972-4444 • FAX 515-972-4415
E-MAIL: info@PeopleAgainstCancer.com
WEB: http://www.PeopleAgainstCancer.com

OPTIONS

Editor in Chief: Frank Wiewel
Managing Editor: Denise Dallman
Associate Editors: Larry Vogel
Advisors: Harris Coulter, Ph.D.
Jane Heimlich
Robert G. Houston
Lothar Hirneise
Jack O. Taylor, MS, DC
Charlotte Christie
Marie Dallman
Lynn Davis
Bill Asenjo

Options is published by
People Against Cancer
604 East St
P.O. Box 10
Otho, Iowa 50569
Phone: 515-972-4444
Fax: 515-972-4415

E-mail: info@PeopleAgainstCancer.com
WEB: www.PeopleAgainstCancer.com

Price Fixing (cont'd from page 7)

- issuing price announcements and price quotations in accordance with the above-described agreements; and
- selling vitamin C at the agreed-upon prices and in accordance with the agreed-upon sales volume allocations in the U.S. and elsewhere. Degussa-Hüls, headquartered in Frankfurt am Main, Germany, participated in the vitamin B3 conspiracy. Degussa-Hüls has agreed to pay a $13 million criminal fine for its role in the conspiracy. Nepera participated in the vitamin B3 conspiracy, and has agreed to pay a $4 million criminal fine for its participation. Reilly Industries, joined the vitamin B3 conspiracy in September 1994. Reilly has agreed to pay a $2 million criminal fine. David Purpi, of Nepera, participated in the vitamin B3 cartel. Purpi has agreed to serve one year and one day in prison and to pay a criminal fine of $100,000 for his role in the conspiracy. Roger Noack, former President of Nepera, has agreed to serve eight months in prison and to pay a criminal fine of $50,000. According to the charges, each of the defendants participated with unnamed co-conspirators in the vitamin B3 conspiracy to suppress and eliminate competition in the U.S. and elsewhere by:
- participating in meetings and conversations in the U.S. and Europe to discuss the prices and volume of vitamin B3 sold in the U.S. and elsewhere;
- agreeing, during those meetings and conversations, to charge prices at certain levels and otherwise to increase and maintain prices of vitamin B3 sold in the U.S. and elsewhere;
- agreeing, during those meetings and conversations, to allocate among the corporate conspirators the approximate volume of vitamin B3 to be sold by each corporate conspirator in the U.S. and elsewhere;
- agreeing, during those meetings and conversations, to allocate among the corporate conspirators customers of vitamin B3 in the U.S. and elsewhere;
- exchanging sales and customer information for the purpose of monitoring and enforcing adherence to the above-described agreement; and
- issuing price announcements and price quotations in accordance with the agreements reached. Each of the defendants is charged with violating Section 1 of the Sherman Act, which carries a maximum fine of $10 million for corporations, and a maximum penalty of three years imprisonment and a $350,000 fine for individuals.

The maximum fine for both corporations and individuals may be increased to twice the gain derived from the crime or twice the loss suffered by the victims of the crime, if either of those amounts is greater than the statutory maximum fine. The investigation is being conducted by the Antitrust Division's Dallas Field Office and the Federal Bureau of Investigation in Dallas.

(Also see Codex, page 3.)

PEOPLE AGAINST CANCER

P.O. Box 10
Otho, Iowa 50569

ADDRESS SERVICE REQUESTED

OTHO 50569 IA
First Class Postage Paid Permit No. 1 Otho, Iowa 50569

New Directions in the War on Cancer