

A REPORT TO THE 1972 LEGISLATURE  
ON  
REGULATION AND CONTROL OF DIAGNOSIS AND TREATMENT OF CANCER  
PURSUANT TO  
SECTION 1719, HEALTH AND SAFETY CODE

State of California  
Human Relations Agency  
Department of Public Health  
January, 1972

Report on Regulation and Control of the Diagnosis and Treatment of Cancer  
in California, 1971

This report is submitted pursuant to Section 1719 (Division 2, Chapter 7) of the California Health and Safety Code.

Background

Chapter 7 of the Health and Safety Code constitutes the Cancer Quackery Law in California. It was first enacted in 1959 to protect the public health and pocketbook from cancer quackery which then was rife in California. This chapter provides for the protection of the public from misrepresentations concerning the value of facilities and methods for the diagnosis, treatment, and cure of cancer; specifies that there is a Cancer Advisory Council composed of 15 members appointed by the Governor, including representatives from each of the medical schools within the State, nonprofit research institutes, and members of the lay public. It authorizes injunctions, prosecutions, hearings involving subpoena power, investigations, and promulgation of regulations. It provides for issuance of cease and desist orders and other regulatory proceedings to accomplish this purpose, and contracting with independent scientific consultants for specialized services. It prohibits and defines as a misdemeanor the sale of drugs, medicines, compounds, or devices to be used in the diagnosis, treatment, alleviation, or cure of cancer unless there is an approved application on file with either the U.S. Food and Drug Administration or with the State Board of Public Health, and provides that there be an annual report to the Legislature.

Section 1700 of the Health and Safety Code succinctly states the rationale for this law as follows:

"1700. The effective diagnosis, care, treatment or cure of persons suffering from cancer is of paramount public importance. Vital statistics indicate that approximately 16 percent of the total deaths in the United States annually result from one or another of the forms of cancer. It is established that accurate and early diagnosis of many forms of cancer, followed by prompt application of methods of treatment which are scientifically proven, either materially reduces the likelihood of death from cancer or may materially prolong the useful life of individuals suffering therefrom.

"Despite intensive campaigns of public education there is a lack of adequate and accurate information among the public with respect to presently proven methods for the diagnosis, treatment, and cure of cancer. Various persons in this State have represented and continue to represent themselves as possessing medicines, methods, techniques, skills, or devices for the effective diagnosis, treatment, or cure of cancer, which representations are misleading to the public, with the result that large numbers of the public, relying on such representations, needlessly die of cancer, and substantial amounts of the savings of individuals and families relying on such representations are needlessly wasted.

"It is therefore in the public interest that the public be afforded full and accurate knowledge as to the facilities and methods for the diagnosis, treatment, and cure of cancer available in this State and that to that end there be provided means for testing and investigating the value or lack thereof of alleged cancer remedies, devices, drugs, or compounds, and informing the public of the facts found, and protecting the public from misrepresentations in such matters.

"The importance of continuing scientific research to determine the cause or cure is recognized, and the Department shall administer this chapter with due regard for the importance of bona fide scientific research and the clinical testing in hospitals, clinics, or similar institutions of new drugs or compounds."

The purpose of the Cancer Quackery Law has been implemented by a program intended to regulate and eliminate cancer quacks and cancer quackery, to provide education for the general public on the kinds of quackery that have been foisted on the public in the past and which may appear before them at any time, and administering of those sections of the law having to do with consideration of applications for clinical testing.

Cancer is one of the most dread diseases afflicting man. Its causes have not been well defined, its cure is restricted to surgery and radiation properly applied, and chemotherapy of limited usefulness, chiefly for palliative purposes. Exploitation of persons suffering from cancer or believing that they may have cancer, yet dreading surgery or radiation and fearful for their lives, are ready victims of those who say they need not suffer from this disease.

#### Enforcement

The State Department of Public Health, Bureau of Food and Drug, is responsible for the enforcement of the law. A 15-member Cancer Advisory Council consisting of persons expert, knowledgeable, and active in cancer diagnosis, treatment or public education is appointed by the Governor to provide technical assistance to the program and provides liaison with governmental, academic, education, and private organizations. This Council, by law, meets twice a year. They are required to hold hearings or render written reports prior to the adoption of regulations affecting the sale or repre-

sentation of a device, substance, or method for treatment of cancer. The Council elects its Chairman annually and is assisted by an Executive Secretary.

The Cancer Quackery Law is enforced by the Fraud Section of the Bureau of Food and Drug which includes the Executive Secretary of the Cancer Advisory Council, a physician. Methods of operation involve supervision of investigations made of suspected cancer quacks, and surveillance of the activities of such persons; utilizing special investigators. Expert witnesses from among the State's most knowledgeable physicians and scientists are employed on a contract basis to perform investigations and studies or to provide expert testimony in the event of trials before the courts.

The program of locating violators and educating and informing the public concerning misrepresentations made in California has been continued. The violations detected are more sophisticated than before and more effort is required to control them. This law has proven useful in meeting unique problems involved in preventing and eliminating cancer quackery in California.

#### Educational Activities

Educational activities designed to warn the public of quackery dangers to the cancer patient included speaking engagements, joint exhibits with the American Cancer Society, consultations with newspaper and magazine writers, and representatives of other media and radio and T.V. appearances.

#### Applications for Clinical Testing

No applications for clinical testing were received in 1971.

#### REGULATORY ACTIONS

##### Laetrile Promoters Arrested

Coordinated action in San Francisco, Los Angeles and San Diego resulted in the arrests of Ernst T. Krebs, Jr., Byron Krebs, M.D. and Malvina Cassesse of San Francisco. Belle Laury of Los Angeles and Mary Whelchel of Imperial Beach,

on charges involving the sale of Laetrile. Laetrile is a worthless apricot pit derivative widely exploited by the Krebs brothers and their colleagues as a cancer cure. Its sale in California was banned in California after hearings and promulgation of regulations by the Department of Public Health in 1963. Byron Krebs was the recipient of a cease and desist order from this Department regarding illegal sales of Laetrile in 1965. E. T. Krebs, Jr., had been convicted in 1962 for illegal shipment of a "new drug" in violation of the Federal Food, Drug and Cosmetic Act.

Malvina Cassesse served as an officer of one of the "organizations" for making apricot pit extracts and is charged with actively participating in the sales of Laetrile for cancer in conspiracy with E. T. Krebs, Jr.. Mary Whelchel ran the bus service for her cancer victims from Imperial Beach to the Tijuana clinic of Dr. Ernesto Contreras R.. She is charged with conspiring with Dr. Contreras to sell Laetrile as well as with her own personal sales from the depot for Laetrile that she maintained in her motel. Dr. Contreras has not come to the U.S. for service of his arrest warrant. These cases are still before the courts.

Belle Laury, the Los Angeles Laetrile distributor, entered a plea of guilty and was given a suspended sentence and placed on probation for two years on the following conditions:

- (1) Defendant not possess, offer or sell Laetrile or any other cancer remedy;
- (2) Defendant not represent any product as efficacious in treatment or cure of cancer; and
- (3) Defendant obey all laws.

Subsequent to the February 1971 arrests there was a full hour telecast on NBC television relating to Laetrile in which the California arrests were discussed.

There were many public announcements, newspaper and magazine articles which followed. The interest of various Federal and State regulatory agencies in the stock promotions, and solicitations of funds on behalf of the Laetrile promoters was aroused.

Later in 1971 the major manufacture and distribution of Laetrile was closed out in California and the business moved to Mexico. November 27, 1971, marks the tenth anniversary of actions taken by this Department under the Cancer Law with respect to the Krebs family and Laetrile promotion.

In May 1971, this Department was unsuccessful in its attempt to secure a preliminary injunction against the International Association of Cancer Victims and Friends and the National Health Federation for the purpose of preventing their recommendation of Laetrile as a cancer treatment to be given in Mexico. The injunction was denied without prejudice on constitutional grounds (First Amendment protections). The Attorney General is considering whether the matter should be pursued further on the available facts. The Department will continue to collect facts and where violations are encountered will refer them for appropriate action.

#### Other Violations

Kurt Donsbach of Garden Grove was convicted of violations involving the sale of herbal preparations for cancer, and ordered to pay \$2,000 restitution to the State.

Harvey Schuler of Thermalito, California, was convicted of treating cancer and other diseases and given a suspended sentence and placed on one year probation.

#### Investigations

An article appearing in the Sierra Booster, which was reprinted in several Northern California newspapers reported an alleged cancer cure by "Squaw Tea" in the case of two citizens residing in Doyle, California.

The investigation was initiated by inquiry from the Quincy branch of the American Cancer Society through the California Division. The Department's

investigation revealed that there was no factual basis for the alleged cure, that the plant involved was botanically "Green Hormon Tea" (Ephedra Viridis), which has no ephedrine or related alkaloid or other identifiable active ingredient. A controlled study on experimentally cancerous mice with three varieties of cancer revealed no anti-cancer effect. One of the allegedly cured individuals, Mr. "Andy" Andrews of Doyle, who had been selling the "Squaw Tea" has been requested to cease and desist from further sale of this herb for cancer or for any therapeutic use without prior clearance as required by law.

#### Corrections Accomplished without Prosecution

George Jenkins of Platina, California, was treating cancer with Hoxsey method, a banned cancer treatment. Following investigation he was issued an invitation by the District Attorney to show cause why he should not be prosecuted. The District Attorney was advised that he had left the State.

Douglas H. Baker, a British subject, was using worthless radionic instruments for cancer treatment in Los Angeles. These instruments were seized pursuant to law, and Mr. Baker departed promptly from California.

#### Pending Investigations

Orville Miller, Ph.D. and professor of pharmacy at U.S.C. is quoted in the Newhall California Signal and Saugus Enterprise as pulverizing rattlesnake bones and placing them in capsules and stating, "It appears to improve many people's resistance to diseases such as cancer, eczema, acne, asthma and athlete's foot". Seven rattlesnakes make a 12-day supply. Dr. Miller has been advised that his research on rattlesnakes as a cancer treatment requires proper scientific protocols and safeguards provided by the Cancer Law and an application for investigational testing. He was advised to discontinue his present dispensing.

Chaparral Tea also called Squaw Tea continues to be promoted sporadically as a cancer cure. Investigations are currently in progress with respect to such distribution.



Table 1  
Action Against Individuals

	<u>1959-71</u>	<u>1970</u>	<u>1971</u>
Investigations	141	19	18
Disciplinary Action Instituted	60	7	8
Convictions and/or Sentencing	44	5*	3
Actions Now Pending	24	7	11
Unproductive Investigations	59	3	0
Dismissed by Court	4	0	1
Embargo and Voluntary Destruction of Quack Devices	2	1	1

\*Action on 2 started in previous years.

Findings and Conclusions

The cost to the average patient who goes to a quack for treatment may be between \$1,000 and \$2,000 per quack visited. The savings to the pocketbook of the cancer patients in California who are protected from quack therapy may be in the range of 50 to 100 millions of dollars annually. The diversion of this money spent for worthless treatment to useful purposes enables families to better withstand the drain provided on the family pocketbook and prevents untold suffering from failure to receive proper treatment in sufficient time to be life saving. It is the purpose of this program to continue in 1972 to vigorously enforce the Cancer Quackery Law to protect the health and pocketbook of the cancer patient; to educate and inform; and to detect those violators who are responsible for the death and debauchery of the unsuspecting, hopeful cancer victims.

MEMBERS OF CANCER ADVISORY COUNCIL

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Lawrence G. Crowley, M.D.	Professor of Surgery, Stanford University School of Medicine, Palo Alto, California.
Arthur J. Donovan, M.D.	Professor of Surgery, University of Southern California School of Medicine, Los Angeles, California.
Joseph F. Ross, M.D.	Professor of Medicine, University of California School of Medicine, Los Angeles, California.
Ralph J. Thompson, Jr., M.D.	Associate Professor of Surgery, Chairman of Cancer Committee and Coordinator for Cancer Teaching, Loma Linda University School of Medicine, Loma Linda, California.
David A. Wood, M.D.	Professor of Pathology and Director of Cancer Research Institute, University of California School of Medicine, San Francisco, California.

Physicians and Surgeons

Sol R. Baker, M.D.	Radiologist and Associate Clinical Professor of Radiology, University of California School of Medicine, Los Angeles, California.
John W. Cline, M.D. Chairman	Surgeon and Associate Clinical Professor of Surgery, Stanford University School of Medicine, Palo Alto, California.

Non-Physicians and Surgeons

Mrs. Helene G. Brown	President of the California Division of the American Cancer Society, Los Angeles, California.
Mrs. Marvel L. Brenner	Business Woman and Homemaker, San Bernardino, California.
Sol Silverman, Jr., D.D.S.	Chairman, Division Oral Biology and Professor, University of California School of Dentistry, San Francisco, California.

Representatives of Nonprofit Cancer Research Institutes

Mr. Emanuel Fineman

Co-Director of City of Hope, Los Angeles,  
California.

George S. Sharp, M.D.

Director, Pasadena Foundation for Medical  
Research, Assistant Professor of Surgery and  
Professor of Pathology, University of Southern  
California, Los Angeles, California.

Ex Officio Member

Mr. William J. Kurtz

Director of Public Health (Acting), State  
of California, Berkeley, California.