

# We've Got the Cure for What's Ailing You

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**“THIS IS NOT A TREATMENT FOR CANCER: IT IS A CURE!”**

Sound familiar? Magazine ads and late night television infomercials promise quick cures with everything from anti-aging ointments, and electronic devices that cure AIDS, to immune-boosting teas. Each year, consumers spend billions of dollars on fraudulent cure-all products. Many are suffering from serious conditions and are desperate for any glimmer of hope.

According to Richard Cleland, assistant director for the Division of Advertising Practices at the Federal Trade Commission (FTC), such false hope is more than broken promises and empty wallets. It's health fraud. "Health fraud is the promotion, advertisement, or sale of a product, treatment, or service to provide a beneficial effect on health-based claims which are false or which are not supported by a reasonable basis," stated Cleland.

Advertisers must have a reasonable basis to support objective claims. Unqualified health claims require competent and reliable scientific evidence, which is based upon tests, analyses, research, studies, and other evidence, and on the expertise of professionals in the relevant area.

What does this all mean? In a nutshell, products can't state disease prevention and or/treatment claims without the Food and Drug Administration (FDA) and FTC approval. The FTC's primary interests are not necessarily in stopping the sale of these products, but preventing the sale of products backed with inadequate scientific evidence.

So, why are so many consumers still lured by the eight-hour weight loss drink, and the immediate hair removal pill?

"Many companies targeting U.S. consumers are outside of the U.S. Thus, the companies are difficult to locate," said Cleland. "It's not legal to put a drug claim on a dietary supplement label. Companies will attempt to get around that by putting the unsubstantiated drug claim in advertisement.

TV and the Internet make it very easy for individuals and companies to become national marketers."

In an attempt to combat Internet health fraud, the FTC, in collaboration with other law enforcement authorities, developed "Operation Cure All" in 1997. In its first phase, two Internet searches identified over 1,600 sites worldwide making questionable claims for the treatment and cure of numerous incurable diseases.

In response to these results, a campaign was launched to raise consumers' awareness through online and related educational efforts. Warning marketers of their legal obligations via e-mail advisories, and bringing targeted enforcement actions that are closely coordinated with FDA and other authorities are the campaign's goals.

Cleland said that the FTC can force distributors to put safety warnings on a product and to take any unsubstantiated claims off product labels. However, FTC doesn't have the power to pull products off the market.

"Federal agencies are overwhelmed with company health claims. The FTC's focus is primarily on stopping products with unsubstantiated and false treatment claims for major illnesses," argued Cleland. Ninety percent of the companies that the FTC challenges accept without fighting back, but more companies are beginning to fight back, he said. Companies are less likely to give up their advertising claim if the product is generating substantial revenue.

By putting products on the market, many consumers assume each product is FTC approved. Such an assumption misleads consumers and fuels fraudulent companies. "There is no FTC label," said Cleland. "Before purchasing, do research on the ingredients in the product. Be skeptical of any product offering itself as a miracle cure, whether it's for cancer or obesity."

For more information on Health Fraud visit the Federal Trade Commission web site at, <http://www.ftc.gov/>

For more information on Consumer Education and Protection visit, <http://www.ftc.gov/bcp/online/edcams/infosecurity/index.html>

To file a complaint, or to get free information, call 1-877-FTC-HELP or 1-877-382-4357. ❖

*We've Got The Cure for What's Ailing You is based on the Summit workshop Healthcare Fraud: What is Out There and How Do I Protect Myself?, Thursday, July 11, 2002.*

## Operation Cure All

This Web site offers the following:

- ☑ **Consumer protection** information includes consumer alerts on HIV home-testing kits; impotence treatment claims; dietary supplements for children, and more;
- ☑ **Business information** offers guidance on how to market health products and services truthfully;
- ☑ **Press releases** keep the public informed of the latest news on health care fraud;
- ☑ **Resources** provide links to other online organizations; and
- ☑ **Spanish-language** information is also offered.



For more information, go to <http://www.ftc.gov/bcp/online/edcams/cureall/index.html> ❖

