

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 1:10-cv-01362-EGS
)	
v.)	
)	
DANIEL CHAPTER ONE,)	
)	
and)	
)	
JAMES FEIJO,)	
)	
Defendants.)	
_____)	

DECLARATION OF SALLY LAMONT

1. My name is Sally LaMont. I am dually licensed in California and Oregon as both a naturopathic doctor and acupuncturist. I am a 1981 graduate of the National College of Naturopathic Medicine, Portland, Oregon, and a 1986 graduate of the Emperor's College of Oriental Medicine, Santa Monica, California. I am a member of the American Association of Naturopathic Physicians, the California Naturopathic Doctors Association, and the California Society of Oriental Medicine and Acupuncture.

2. This Declaration is submitted in support of Defendants Daniel Chapter One and James Feijo (hereinafter collectively "DCO") and in opposition to the government's enforcement action related to the Modified Final Order issued by the Federal Trade Commission ("FTC") that was effective on April 2, 2010.

3. Since 1981, I have practiced naturopathic medicine, working with diet, nutritional supplements, botanical medicine, and mind-body treatments. Since 1986, I have integrated

Defendants' Mem. in Opposition to
U.S. Rev. Motion for Prelim. Inj.

EXHIBIT 5

acupuncture and Chinese herbal medicine into my work. My practice focuses on helping people to identify the root causes of their condition, removing the obstacles to cure, and developing personalized natural treatment protocols to resolve symptoms and promote health. I evaluate patients through a variety of state-of-the-art laboratory tests and integrate nutritional medicine with herbal medicine and acupuncture. Since 2005, I have been on the faculty of San Francisco State University's Institute for Holistic Healing Studies within its Department of Health Education, teaching classes in naturopathic medicine, nutrition and herbal medicine, and holistic health.

4. In 2000, I took a brief sabbatical from my practice to serve as Executive Director of the California Naturopathic Doctors Association, in which capacity I led a successful legislative campaign to license Naturopathic Doctors in California. Such licensure allows licensed naturopathic doctors to serve as primary health providers who treat acute and chronic conditions in a preventive-oriented approach to healthcare.

5. For the past 23 years, I have witnessed the tremendous value that changes in lifestyle, diet, and the correct use of the nutritional and herbal supplements can provide. During this time in practice, I have had the opportunity to provide adjunctive care to patients undergoing conventional cancer treatment, utilizing a range of dietary supplements and botanical medicines that were compatible with their conventional regimen. The body has immense self-healing capacities which, when properly supported, can respond and heal from even serious diseases.

6. I served as an expert witness for DCO *In the Matter of Daniel Chapter One and James Feijo*, FTC Docket # 9329, having submitted a report on February 4, 2009 and having testified at the administrative hearing.

7. In my report, I offered my expert opinion on the use of nutritional supplements and botanical medicines in the prevention and treatment of illness, including but not limited to cancer, reviewing in particular the evidence, regarding the mechanisms of action of the major constituents of four of DCO's products — GDU, 7 Herb Formula, Bio-Mixx, and BioShark. To form my opinion, I drew on my education, professional training, and experience as a practicing naturopathic doctor and acupuncturist who utilizes dietary supplements and botanical medicines in daily practice, and performed the following tasks:

- a. Searched the literature on PubMed which provides access to over 18 million citations from MEDLINE and other life science journals for biomedical articles dating back to 1948;
- b. Searched numerous websites, including the Memorial Sloan-Kettering Cancer Center, Dr. James Duke's Ethnobotanical and Phytochemical Database, and the database of the American Botanical Council;
- c. Surveyed several books on herbs and medicine, including Medicinal Plants of the World (Van Wyk and Wink); and
- d. Reviewed information about DCO products provided to me, including product labels and literature.

8. Based on my experience and expertise, and on this research, as stated in my expert report, I concluded that there was a reasonable basis for DCO to claim that:

- a. "[T]he ingredients of GDU contain bromelain, a source of natural proteolytic enzymes from the pineapple, which helps digest unwanted proteins. GDU also contains turmeric, feverfew and quercitin which help reduce inflammation and relieve pain. [T]hese ingredients as a whole may be used as an adjunct to cancer therapy, [and] possess a wide range of actions as

anti-inflammatory agents.”

b. “[T]he ingredients of 7 Herb Formula fight tumor formation and fight pathogenic bacteria.”

c. “[T]he ingredients of BioMixx boost the immune system, build lean body mass and support healing [and] assist the body in fighting cancer, cachexia and in healing the destructive effects of radiation and chemotherapy.”

d. “[P]ure skeletal tissue of sharks provides a protein that inhibits angiogenesis — the formation of new blood vessels [which, in turn] has been demonstrated to inhibit tumor growth in some studies.”

9. A wealth of valuable information on potential treatments of cancer and other conditions dwells in the clinical knowledge of traditional and indigenous cultures and their Material Medica. Traditional and indigenous cultures understood the role of plants as both their food and their medicine. Today, there is a growing body of scientific evidence to substantiate the fact that the natural compounds present in plants act in multiple ways to support the body’s innate homeostatic mechanisms, improve physiological function, and reduce the expression of disease. “Epidemiological studies consistently indicate that consumption of fruits and vegetables lowers cancer risk in humans and suggest that certain dietary constituents may be effective in preventing (colon) cancer. Plant-derived phenolic compounds manifest many beneficial effects and can potentially inhibit several stages of carcinogenesis in vivo.”

10. Without a doubt, continuing research is urgently needed to elucidate the mechanisms of action of phytonutrients and phytochemicals in the prevention and treatment of disease. The very complexity of these compounds presents immense challenges for research.

While it is urgent that we understand the secondary metabolites and their actions, developing a new drug from that information is not the only worthwhile path. Adding to the challenge is the fact that research dollars are limited, if not non-existent, to support research into the therapeutic value of natural agents. Rather, pharmaceutical companies fund research to identify new patentable drugs derived from such natural agents, but not research into the healing power of the agents themselves because such agents cannot be patented and, thus, their sale would never recover the cost of research.

11. The current situation is that cancer patients in particular are denied the opportunity to utilize natural therapies in a clinical setting until they have failed conventional therapies, and are weakened by the experience often near death. In the rush to identify and extract the most biologically-active components of food and botanical medicines, often with serious side effects, we must respect the fact that for millennia mankind has used these foods and plants without evidence of serious harm and allow their use to improve the health of the American people.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed this 30th day of August, 2010


Sally LaMont, N.D.