

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 JAMES A. DUKE

1. My name is James A Duke. I earned the Ph.D. degree in Botany from the University of North Carolina. I worked as an Ecologist for 27 years with the United States Department of Agriculture ("USDA"). From 1963 to 1965, I worked as an ecologist. After a 6-year stint with Battelle Columbus Laboratories conducting ecological and ethnobotanical studies in Panama and Colombia, I returned to the USDA in 1971. During the period from 1971 to 1982, I carried out various assignments relating to medicinal plants, crop diversification, and energy plant studies in developing countries. Between 1977 and 1982, I collaborated on the NCI Cancer-Screening Program. Before retiring from the USDA in 1995, the USDA put the ethnobotanical and phytochemical database that I developed online at USDA (<http://www.ars-grin.gov/duke/>) which I am told is one of the most frequently consulted areas of the USDA website. Although retired, I continue to be active in my area of expertise, having served for five years as Senior Science Advisor to Nature's Herbs and for a year or two

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with AllHerb.com. Since 2001 I have been a distinguished herbal lecturer with the Tai Sophia Healing Institute, Laurel, Maryland.

2. I am the author of more than 400 publications, including 30 books on medicinal plants, including numerous books on herbs and medicinal plants of the Bible, most notable of which are the following: Medicinal Plants of the Bible (Conch Publications, N.Y.: 1983); Herbs of the Bible: 2,000 Years of Plant Healing (Interweave Press, Loveland, Colorado: 1999); and Duke's Handbook of Medicinal Plants of the Bible.

3. In my career as a botanist, I have studied thousands of uses for hundreds of herbs over a period of several decades.

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

5. In my report, I offered my expert opinion supported by a careful review of the evidence and experience with the ingredients of 7 Herb Formula, GDU, BioMixx and BioShark (the four DCO products challenged in the FTC proceeding), analyzing those ingredients according to the science of herbal efficacy. I explained the difference between the complex nature of herbal science and the relatively simpler science of pharmaceutical science.

6. As stated in my report, on the basis of my experience and knowledge of medicinal herbs, as well as my examination of the ingredients of the above-named products, I concluded the following:

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a. There is a reasonable basis for the claims that the ingredients of 7 Herb Formula “ fights tumor formation, and fights pathogenic bacteria. ”

b. There is a reasonable basis for the claims that the ingredients of GDU “ contains natural enzymes ... to help digest protein — even that of unwanted tumors and cysts. This formula also contains ingredients known to help relieve pain and heal inflammation. GDU is also used ... as an adjunct to cancer therapy. GDU possesses a wide range of actions including anti-inflammatory and antispasmodic activity.... ”

c. There is a reasonable basis for the claims that the ingredients of BioMixx “ boost[] the immune system ... to allow for natural healing. It is used to assist the body in fighting cancer and in healing the destructive effects of radiation and chemotherapy treatments. ”

7. I based my conclusions on my formal education, a lifetime of study, and my experience and knowledge that:

a. Valuable and accurate herbal-based and nutritional food information can be drawn from the Bible.

b. Herbs, including those in the Bible, provide help to the health of people that can be as good as or superior to help provided by pharmaceuticals.

c. Significant science supports the use of herbs for healing of a range of diseases, including cancer.

8. In my opinion, the public should not be denied access to medicinal herbs, and information as to their use, just because they have not been tested by classical pharmaceutical

studies, a process that is not suitable for the testing of the efficacy of herbal remedies and that is financially out-of-reach for medicinal herbs.

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

Executed this 26th day of August, 2010


James A. Duke