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The Fate of a Good Man

The Investigation, Prosecution and Trial
of Jim Wright by the MHRA

Martin J Walker

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The investigation, prosecution and trial
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The Fate of a Good Man

Dedication

The Pontardawe Acoustic Music Club

And completely unconnected
The billions of people in the world
Who have no faith in pharmaceutical medicine
And prefer a healthier,
Safer and more natural approach to health care.

ACKNOWLEDGEMENTS

This short book seems to have been a long time in the making and has, consequently used up lots of freely given funds, hospitality, professional interests and skills. For these gifts I have to thank, by first name only: James, Rose, Bob, Alan and Jim Wright's family.

As usual my writing needed lots of overseeing for which I have to thank: Rose, Viviana and Rob.

Finally I could not have written this work or anything else without the emotional support and love, not to mention tolerance of my partner Viviana.

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Traditionally, cultures were concerned primarily with the health of their members. As cultures set themselves other goals, health care became a privilege for an elite. The building of a pyramid, the conquest of the Holy Land, or the landing on the moon are equally distracting for the health-sustaining integrity of a social system. The need for specialised, professional health care beyond a certain point can be taken as an indication of the unhealthy goals pursued by society.

Ivan Illich. *Medical Nemesis: The expropriation of health*

The medical establishment has become a major threat to health.

Ivan Illich. *Medical Nemesis: The expropriation of health*

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PREFACE

Most of us have had a glimpse of what it must be like to lose all trust in the law enforcement authorities that we are supposed to look to for our own protection. Worse than that, we have felt those shudders that occur when the authorities turn against the innocent party – we have imagined being that party. However, these experiences are most usually triggered by some late-night, action-packed TV thriller in the comfort of our living-room. We can always retreat to the kitchen for a herbal tea (assuming they, too, are not going to be banned) or a hot chocolate, to help regain our composure.

Jim Wright's story, told here in Martin Walker's inimitable, detailed style, is, however, real and far too important to be disposed of with a cup of herbal tea or hot chocolate; it is an important marker for the times in which we live.

It seems that when it comes to policing the field of natural medicine, the big corporations and their interests have become so deeply interlaced in the fabric of the law enforcement authorities, that innocent people can now be made criminals. This is Jim's story, and anyone in the natural health industry,

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as well as anyone who is interested in benefiting from its fruits, needs to be aware of the risks and how they can be played out.

Martin Walker correctly characterises Jim Wright as a good man. Jim represents any number of the thousands of people who have experienced and witnessed health transformations with the use of natural products – and have then become commercially involved in nothing more than a very modest way.

Like many others, Jim Wright was not capable of keeping abreast of every facet of the complex and ever-increasing legislative system surrounding natural products, and found himself collaborating with the authorities in order that his commercial activities remained fully in line with the current laws of the land. Being a conscientious type, he never once broke any of the rules that were brought to his attention.

Jim became a ‘marked man’ after he learned of the purported benefits of vitamin B17, used to support cancer patients. Unbeknown to Jim, this line of intervention had for years been massively challenged by the drug companies and regulatory authorities around the world, largely because it poses a threat to the pharmaceutically- based ‘cancer industry’.

Walker tells the story of how two raids on Jim Wright’s premises were undertaken, and how thousands of pounds’ worth of perfectly legal stock was confiscated and not returned¹. He recounts how Wright was set up by the BBC working in cahoots with the UK medicines regulator, the

¹ All the stock confiscated in the raids on Jim Wright’s property was finally returned and dumped outside his front door by the MHRA in July 2007.

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Medicines and Health products Regulatory Agency (MHRA) – and last but not least – how the courts wrongly made an innocent, well-meaning man a criminal.

Readers will be left feeling that Jim Wright’s case is ‘scapegoating’ in the extreme. Walker makes a strong case for how the pharmaceutical industry has developed the wherewithal to hit out at one of the biggest threats to its profits: the use of natural, unpatented products in healthcare.

Fear has become one of the most powerful motivators in modern, pharmaceutically-dominated healthcare. Fear of disease is propagated in newspapers, magazines and television news reports the world over, on a daily basis. The fear is designed, it seems, to drive people towards patented drugs – drugs that apparently become next to worthless once their patents expire. The drug makers, just like the tobacco industry before it, are trying to do everything they can to downplay the side effects for which their money-spinners are responsible.

It is no surprise that every increasing numbers of consumers, disillusioned with Big Pharma’s offerings, are voting with their feet and shifting to natural products that are better adapted to human physiology. Can you imagine your body ever deciding it doesn’t need vitamin C?

Jim Wright has suffered at the hands of a machine that has been long in the making. The very law that was used to criminalise him was first created Europe-wide in 1965. As Walker describes, the law was designed to protect us from rogue drugs such as

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thalidomide, and it was translated into the UK's Medicines Act of 1968 just three years later. But this law is so outrageous that it technically makes any product that exerts a physiological (metabolic *or* immunological) action on the human body a medicine.

You've got it! Water, coffee and Mars bars are technically all medicines! Fluoride added to the water supply and toothpaste is also a medicine – but the regulators don't consider it as one because this better suits them and their industrial partners. You see, now that the regulator has been given a loaded gun, it can choose to fire it arbitrarily. And this is where Jim Wright comes in. He has been its target on this occasion, but it could so easily have been any one of thousands of others who got caught in the MHRA's sights.

This brings me to the subject of my own involvement with Jim Wright. Jim's case was brought to my attention by Martin Walker in my capacity as executive and scientific director of a non-profit campaign organisation called the Alliance for Natural Health (ANH),² which I founded in 2002. The ANH is based in the UK but works EU-wide and beyond to help protect and promote natural health, using both good science and good law. The ANH is a true alliance of scientists, doctors, practitioners, lawyers, natural health companies and consumers who are committed to developing a strong, sustainable sector that we believe to be the rightful heir to mainstream healthcare currently dominated by pharmaceutically-based approaches.

² www.anhcampaign.org

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So often, we have discovered, regulators overstep their legal powers and can be brought in to line only when they are fought with commitment, using science and law. Although it is essentially a David and Goliath struggle, with the forces pressurising natural medicine being so much greater and more financially powerful than ourselves, we have demonstrated over the past five or so years that significant battles can be won.

One example of that was our argument, which was the subject of a European Court of Justice ruling in 2005, that natural sources of vitamins and minerals are outside the scope of the draconian EU Food Supplements Directive. We recently received confirmation from the European Commission that our contention was valid. These vitamins and minerals, previously under threat because the cost of getting them on to an EU ‘positive list’ would be prohibitive for many smaller companies, will now be regulated as foods.

As I sit at my desk today and write this Preface to Martin’s latest book, I am dealing with another case that is not dissimilar to Jim’s in its intent. This new case involves a prominent Harley Street practitioner who has been set up by a major television company that allowed one of its reporters to pose with her daughter as clients. The television report is due to be aired on prime time television later this month, and it includes covert footage taken from a camera hidden in the reporter’s clothing. Taken out of context, the report could be very damaging to the practitioner concerned and to natural health. Natural health bashing, it seems, has become a sport – a dirty one at that. Jim Wright’s story tells us in no uncertain terms that the very authorities in whom we place our trust – and the very broadcasting system we have

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relied upon for so many years for objective reporting – are not what we thought them to be.

Read this story and learn from it. It's too important to all of our futures. Understand just how easy it is to be set up and be turned into a criminal. Should you feel uncomfortable at any stage, you can seek solace in the fact that it happened to Jim and not to you. And, don't forget, that warm beverage awaits you in the kitchen whenever you should need it.

But most of all, if you care about the future of natural health and its ability to survive the current, unprecedented, global attacks on it, work with us at ANH. We are completely reliant on donations for our work and welcome any type of support. Visit our website³ and decide for yourself if you want to join with the growing numbers of people across the European Union, and beyond, who have decided there is simply too much to lose by remaining uninvolved.

Dr Robert Verkerk
Dorking, England
7 August 2007

³ www.anhcampaign.org

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FOREWORD

In 1995, while he was pastor of a small Christian church in Port Talbot, South Wales, Jim Wright began selling synthetic vitamin B17, the vitamin concentrated in apricot kernels, manufactured as an alternative treatment for cancer. When he began this work, Wright was completely ignorant of the politics of medicine, or, more specifically, cancer.

A little more than a decade later, between the months of May and November 2006, Wright was arraigned on 12 criminal counts, by the UK's Medicines and Healthcare products Regulatory Agency (MHRA), formerly the Medicines Control Agency (MCA)⁴, of promoting and selling a range of mainly herbal products. The charges followed a period of three years' interest in him, involving raids on his home in 2003 and 2005, and a conspiracy by the regulatory agency and the BBC to 'expose' him on prime-time TV. To add to this, the MHRA twice made attempts to entrap him into selling their agents prescription-only products.

After the first charges were laid in March 2006, Wright was bailed on his own surety with no conditions. He pleaded at a following hearing, and the case was finally set to come before Swansea Crown Court on November 14 2006. This essay contains the story of the man, the charges, and his trial.

⁴ When writing about these agencies, I have used the title for them which was current at the time.

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Because many people are unfamiliar with the legislation and the present climate within which such prosecutions are brought in Britain, the Introduction which follows will help, I hope, to put the case in its legal and regulatory context. I have taken the opportunity of the Introduction to describe the organisation of the British medicines regulatory agency, the Medicines and Healthcare products Regulatory Agency (MHRA).

In Britain, Europe generally⁵, and North America, the investigation and criminal prosecution of alternative health practitioners and producers of non-pharmaceutical remedies, especially for cancer, have risen consistently since the early 1990s. In North America, the Food and Drugs Administration (FDA) has brought all the ‘gang busting’ experience of the FBI to their cases.⁶ In Britain, the Medicines Control Agency (MCA), which changed its name and make-up in 2003, has introduced a new Keystone Cops legal style to Britain’s historically careful juridical system. Despite being a department

⁵ In November 2006, the case of Norwegian alternative health practitioners Atle Johan Løvaas was resolved when the Appeal Court dismissed all the charges that had been brought against him in 2002. Over a four year period, Atle’s records were carted off from his studio, his patients questioned one by one to find someone who would help prosecute him. He was arrested and then brought to court to face accusations that he had illegally healed people of serious illnesses.

In 2005, Loic Le Ribault a man with two doctorates and an internationally known forensic scientist, was arrested in Switzerland which he was visiting, and extradited to France. There he was imprisoned for the second time, to await charges brought by the French State accusing him of having produced medicine – organic silica – and practised medicine without a license. [Loic Le Ribault died in June 2007]

⁶ There is an account of the raid on Johnathan Wright’s laboratory in 1994, when armed FDA agents lined employees up against the walls in this author’s book *Dirty Medicine*.

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of the British Government, the MHRA is funded entirely by pharmaceutical companies.

The health-care market is one of the last expanding markets in the developed world, and the regulation of vitamins, supplements and other health foods, presently threatening intervention in a market controlled entirely by pharmaceutical companies and professional medicine, is a volatile one. Pharmaceutical and professional medical influences constantly need to monitor and shift regulatory conditions.

The greatest battles in the war against non-pharmaceutical health care have been against nutritional and herbal medicines. While those products that were recognised simply as herbs, or, for instance single homeopathic remedies, were relatively easy to regulate and to license because their practitioners sought legal status more complex herbal preparations, vitamins and minerals and all kinds of dietary supplements have proved more difficult.

It has been essential for the pharmaceutical companies to steer everyday consumers away not just from vitamins and supplements synthesised from them as an aid to better health, but from the fresh fruit and vegetables essential to well being. These companies have spent millions of pounds and many years, prodding, cajoling and threatening governments and populations into agreeing that they should be the sole agents able to treat ill health in post-industrial society.

This kind of lifestyle, social regulation, involved in prosecuting people and organisations manufacturing and promoting non-pharmaceutical

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health care, continues a tradition set by the British government in 1939 when it passed the Cancer Act, the main intention of which was to stop people – other than oncologists – from exchanging information on how cancer might be avoided or treated non-pharmaceutically. This tradition comes to rest in the early 21st century, with lobbyists for the pharmaceutical industry trying to implement regulations that stop either individuals telling personal stories about self-treatment, or non-scientists writing in the media about medicines.⁷

This battle to stop the publicising or the use of ‘natural’ treatments for cancer is perhaps the greatest hidden war of the 20th century. The many therapists, lay people and doctors who have presented a wide range of ‘alternative’ treatments, have been victimised, exiled and criminalised, in a conspiracy that has as its principle object the maintenance of professional medical authority and the continuance of monopoly practice.

The facts about this constant warfare against alternative cancer therapists are indisputable, having been recorded by doctors, writers, therapists and journalists, with investigations that span over a century.⁸

The Contemporary Regulatory Assault

Although present-day pharmaceutical corporations pretend that they have eagerly embraced and helped to formulate the regulation of their industry and

⁷ See this author’s ebook, *Brave New World of Zero Risk* available from either: www.zero-risk.org or www.slingshotpublications.com.

⁸ Some of the doctors and scientists who have recorded and tested their own therapies and then been attacked over the last 50 years, include: Dr Gerson, Dr Issels, Dr Hamer, Professor Luigi di Bella. Royal Rife and Gaston Nassens.

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the trade that resonates between themselves and the public, on the whole this is a preposterous untruth. The whole struggle of pharmaceutical producers over the past two or three decades has centred on a desire to get ‘direct product to public’ sales, evading any regulation. Whenever regulation has reared its head in Europe or in Britain, the industry has fought hard to weaken and to dilute it, a strategy that has been ongoing since the 1950s.

In Europe, there was relatively lax regulation of medicines after the Second World War. Consequently, there is only a patchy record of the number of citizens killed or maimed by the chemical and pharmaceutical companies’ patent nostrums. In the 1940s, an apparently small number – around 107 – of individuals died in the US, Britain and Europe during the sulfathiazole drugs disaster. It took Thalidomide and *Sunday Times* reporters to drag the issue of drugs regulation out into the open.

Thalidomide ushered in drug regulatory legislation in many countries. In Britain, the Medicines Act was published in 1968. This Act was originally prosecuted by the Medicines Division of the Department of Health, and it was not until 1989 that the regulation of pharmaceuticals was given its own agency, the Medicines Control Agency (MCA). The Medicines Division of the DoH became notorious for its ‘revolving door’ approach to staff: long-serving pharmaceutical executives happily swapped jobs with top civil servants, ensuring a continuity of protection for the industry.⁹ This revolving door philosophy has continued throughout the latter development of the regulatory agencies.

⁹ In another context, that of testing drugs in North America, Monsanto engineered one of their top executives into a regulatory post just for the duration of a drug trial which tested one of their drugs, after which he left and returned to the company.

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The Medicines Control Agency was charged with overseeing the development and licensing of new medicines, and the setting up of four committees, which would review different kinds of licensed medicines, collect reports of adverse reactions, and carry on what has become known as ‘pharmacovigilance’. However, even with the MCA in place, the industry managed to win almost complete secrecy for their companies and their newly-regulated products, holding their meetings in Cold War conditions¹⁰ and revealing no public information about committee members. It was to be another decade before a campaign forced the government to introduce a minimal transparency, with the publication of committee members’ interests.¹¹ Complaints about conflicts of interests of members on regulatory committees have been incessant since 1968.

It was after 14 years of ‘lacklustre’ existence¹², in 2003, that the Medicines Control Agency joined with the Medical Devices Agency to form the Medicines and Healthcare products Regulatory Agency (MHRA). During the period 1968-2003, beginning specifically in the early 1990s, the balance of the work dealt with by the regulatory agency has slightly shifted, becoming more concerned with policing the non-pharmaceutical alternative periphery of health care.

¹⁰ All papers used in meetings were gathered up afterwards by MCA officers and shredded.

¹¹ In the early nineties, while writing *Dirty Medicine*, I personally visited the premises of the Medicines Control Agency in order to obtain a copy of the Reports which covered the four committees. When I got to the building, I was not allowed up to the floor occupied by the MCA and had to discuss my request over the phone in the foyer. Then, I was told that there were no reports available for the public. When I said that I would go immediately to a solicitor, one Report was miraculously found for me, replete with pencilled annotations, for which the Agency apologized.

¹² Described in the 2002-2003 House of Common’s Report by the Comptroller and Auditor General.

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The MHRA

While it might appear, superficially, that the MHRA is a department of the DoH, or even perhaps an independent agency linked to the DoH, it is in fact a Government trading fund. This might as well be called a business or a corporation, for a trading fund is an almost entirely separate economic entity, which earns money by the provision of services, and, like any kind of company, has to balance the books at the end of each year.

A trading fund is a government department, or an executive agency, or part of the department, which has been established as such by means of a Trading Fund Order made under the Government Trading Funds Act 1973. Trading funds normally operate in very specialised fields, and rely on their ability to derive income from their activities in order to cover their costs. Typical examples of the trading funds are the Central Office of Information (COI) and Ordnance Survey. Like the MHRA, the COI was established first as an executive agency in 1990, and then as a trading fund in 1991.

However, unlike a number of other Government Trading Funds, which provide services, earn money and accept fees from diverse 'beyond government' sources, the whole of the MHRA income is provided by one funder – the pharmaceutical industry. Further, a percentage of staff and executives of the agency have come into it from the pharmaceutical industry. It is, therefore, not surprising that, funded and partly staffed by the industry, its policies are shaped to please this sector.

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In January 2003, the Parliamentary Under-Secretary of State for Health, David Lammy, together with a small committee¹³, considered the draft order to allow the Medicines and Healthcare products Regulatory Agency to operate as a trading fund. And April 1, All Fools day, 2003, saw the MHRA created from the merger of the Medicines Control Agency and Medical Devices Agency. As well as their regulatory responsibilities, both the MCA and the MDA provide policy advice to Ministers about the products with which they deal, and both operate at an international level.

At the time of the amalgamation, the Medicines Control Agency had around 600 staff and a budget of around £50 million. The Medical Devices Agency has around 160 staff and a budget of about £13 million. Both were executive agencies of the Department of Health, as the Medicines and Healthcare products Regulatory Agency was to be.

During the short debate that preceded the draft Medicines and Healthcare products Regulatory Agency Trading Fund, strangely, the effect of regulation and policing on alternative medicine was not brought up. Nor was the policing and enforcement side of the agency hinted at, and so, almost by default, Britain gained the largest pharmaceutically-funded enforcement and policing agency in Europe.

¹³ The small committee included: Mr. Derek Conway, (Chairman), Mr. Bailey, Jeremy Corbyn, Mr. Jim Cunningham, Jim Fitzpatrick, Mrs. Gillan, Chris Grayling, Mr. Mike Hall, Dr Harris, Mr. Paul Marsden, Mr. Ross, Mr. John Smith, Sir Teddy Taylor.

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During the discussion, only one person, Sir Teddy Taylor, the right-wing Conservative MP for Rochford and Southend, East, raised serious objections, on the grounds that the Agency might grow too big for effective government and regulation.

Taylor was primarily concerned that the agency, separate financially from the Government, could too easily grow to massive and unaccountable 'big government' proportions. Just like any company, the trust could bring in more money from the industry by increasing the levels of its services and, with the 'profit' it produced, take on more staff, and form more departments, so as to create and offer even more services.

Some people seem to be quite happy with the order. I do not want to go on unduly, but I was quite horrified when I read it. That is probably because I feel that the Government [of New Labour] throughout all their activities are becoming far more right-wing in their attitudes than Mrs Thatcher would ever have dreamed.

In my constituency, we are experiencing the privatisation of the Defence Evaluation and Research Agency. There is also the privatisation of Air Traffic Control, which we would not have thought about. We now have the proposal that two departments in the Department of Health are to be made into a trading fund. The impression that I got from the Minister was that it would be so successful that we might be encouraged to buy shares in it.

I want to ask three questions that I think are relevant. First, how will it be possible to control the size of the new organisation? Secondly, how will the Minister control the size of the organisation under the new legislation? My third question is how will the charges be controlled, because the legislation refers to charges for the sale of goods and other items, as well as for providing services?

The legislation introduces a significant change, and I find it strange that such fundamental issues have slipped through without anyone apparently noticing. No one seems to question them, but we should. I know that the

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Minister is an honourable person, so will he say how the size of the organisation will be controlled and whether he will be able to prevent it from becoming enormous? Will the funding go to the industry, as I think that it inevitably will, and how will charges be controlled? Although, as a Conservative, I am in favour of private enterprise, I fear that this is not the good side of private enterprise, because it relates to legislation and funding that we (as MPs) will not control. I am scared that the agency will end up as a horrendous burden on the Financial Services Agency (FSA), over which the Government have no control whatever. It could be a very bad thing.

In one matter at least, Taylor was quite wrong, principally, perhaps, because he failed to understand the Agency's purpose. There was little chance that the Agency would become a burden on the FSA, as it might in other sectors. The pharmaceutical companies would ultimately pay billions to the Agency, as long as it remained their own. They would happily subsidise it, as long as the industry itself retained control over its own licensing, intelligence and information of adverse reactions to drugs, and the policing of the alternative health sector. What more could the industry want than its own department of government answerable to the Minister for Health?

Despite taking stabs at the creature that was developing behind the arras, and even as a right-wing MP, Taylor addressed none of the important questions about the power of the pharmaceutical cartels, or the freedom of the individual to have choice in medicine, or the conflict of interest involved in the MHRA surveying adverse reactions while being funded by the pharmaceutical industry.

The Chair in the debate who represented the government, David Lammy, as the Parliamentary Under-Secretary of State for Health, dealt with the criticisms from Taylor in the most straightforward manner.

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‘The mechanism of accountability for the MHRA,’ he said, ‘as with the whole of Government, lies in tabling questions, initiating Adjournment debates, letter-writing and all the other avenues that are available to Members of Parliament. The MHRA will be part of the Department of Health, just as the MCA and the MDA are. Hon. Members seek to inquire about the functioning of those bodies on a day-to-day basis. The MHRA will be accountable to Parliament through Department of Health Ministers, who will be responsible for its funding and expenditure, and the Public Accounts Committee might take an interest in its functions as the years go on.’

In reality, this was hardly any answer at all, because, undoubtedly, specialised knowledge would be needed to make any criticisms or ask any serious questions of the working of the MHRA. Apart from campaigning groups in the community, who would inevitably put greater pressure on the Yellow Card system for reporting adverse reactions to drugs, and those who would fight to maintain the free availability of vitamins and food supplements, few people would ask pressing questions of the MHRA. In the meantime, of course, its policy, direction and strategy, just like the FDA’s in North America, would increasingly be determined by the pharmaceutical industry.

In the event, after a brief discussion, the Committee considered the draft Medicines and Healthcare Products Regulatory Agency Trading Fund Order 2003 and agreed it.

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The MHRA became the domestic regulator of medicines and medical devices. Unrealised by a large number of people, however, the major international aspect of drug licensing, surveillance and regulation had moved across the Thames eight years before, in 1995, from Nine Elms on the South Bank, to the European Medicines Evaluation Agency (EMA) in Canary Wharf. Margaret Thatcher won the siting of the organisation for Britain, in this most aspirational part of London's rejuvenated East End.

The new Agency, must have looked covetously at the long-standing protection that the domestic pharmaceutical industry had been afforded by the British Government. For the past decade, the testing, licensing and regulation of any biologically-based pharmaceuticals, or any drugs seeking a licence in all EU countries, have passed through the EMA, and, unlike the smaller, more comfortable committee apparatus that functions within the MHRA, the committees that act for the EMA are enormous, drawing on academics, scientists and executives from all EU countries.

The MHRA, for its part, still has the largest policing and enforcement department in Europe, a part of the Enforcement & Intelligence Division (E&ID) of the Agency. The group is now dealing with an increasing volume of cases of alleged non-compliance with medicines legislation, and offences under the 1968 Medicines Act and more recent European regulations. The E&ID Group is based at the MHRA's Nine Elms headquarters.

Although contemporary government in Britain is characterised by quango and the attachment to Government of private vested interests, the MHRA is, as has been explained above, a business in itself, which makes

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profit from the provision of services to the pharmaceutical industry. Inevitably, there exists a high level of cynicism and some anger in the world of alternative medicine, that, in effect, non-pharmaceutical treatments, which have not on the whole been proven harmful, and against which no complaint has been levelled, are now regulated by a commercial concern, which is managed, staffed and funded by the pharmaceutical industry. The cynicism is inevitably greater among those who realise that the pharmaceutical industry is also charged with overseeing the adverse reactions of its own medicines, which kill and maim many hundreds of thousands of people.¹⁴

From a legal point of view, perhaps the most worrying aspect of the MHRA is that, like the Atomic Energy Authority¹⁵, it has its own police force, in this instance paid for by the pharmaceutical industry. The two divisions of the MHRA that are important in relation to the tracking of supplements and compliance and legal enforcement, are, first, the Borderline Products Section, which is managed by David Carter, and the Enforcement and Intelligence, which gathers information on individuals who promote suspected medicines.

In the Borderline Products Section, products are examined and a *determination* is made about whether or not they are medicines. On the basis

¹⁴ The initiation of legal cases against pharmaceutical companies for death and damage, is in Britain a matter of civil claim. Claimants have in the past been given legal aid for this very expensive process. On the other hand prosecution for the use or misuse of alternative treatments which have been labeled as medicines, even without a complaints of death or damage, is a criminal matter prosecuted in theory by the State and in fact by the by the MHRA using drug company money.

¹⁵ Other agencies such as London Underground and British Rail have their own police service, but here these officers and these laws are on the whole general criminal matters such as theft and assault and the officers in these forces act with the national police in all matters. The police of the AEA and the MHRA, not only have considerable power, but they are in specialised areas normally not traversed by the more accountable constabulary.

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of this ruling, individuals are contacted and asked if they might comply with the determination. If they do comply, change labels, change websites or stop selling products, the matter can rest there. If, however, there is resistance, the case will be sent to a barrister in the Department of Work and Pensions' legal services department, and from there a prosecution may well ensue.¹⁶ There is a service-level agreement in existence between the MHRA and the DWP, under which the Agency pays for the services provided by DWP lawyers. This includes the fees for counsel briefed by the DWP.¹⁷ In other words, at the end of the day, this is one of the services that the pharmaceutical industry pays the MHRA to enact.

Also in the Borderline Products Section are a number of people who make phone calls and send out requests to producers and promoters of suspected products. These calls can involve quite disingenuous, operative talk about husbands and wives having serious illnesses such as cancer, in the course of placing orders, to be sent to the MHRA box number address.

¹⁶ The Solicitor's Office (SOL) provides legal services, including civil and criminal proceedings for both the Department for Work and Pensions and the Department of Health, and their Agencies. Their prosecuting duties include: Prosecution of benefit fraud cases investigated by the Counter Fraud Investigation Branch of the Department for Work and Pensions; Prosecution of cases on behalf of the Counter Fraud Operations Service of the National Health Service; Prosecution of cases on behalf of the Medicine Controls Agency and the Medicines Devices Agency; Prosecution of cases on behalf of the Food Standards Agency; Representation on some Child Support Agency family proceedings and prosecution of Child Support Agency criminal offences.

The reason the DWP Prosecutions Division conducts work for the MHRA is that the DWP is the employer for Government Lawyers working on both Department of Health (DH) and DWP business. This dates back to the time when there was a single Department of Health and Social Security. Following the split, the legal team stayed together, working for both Departments. The MHRA is not an independent statutory body but an executive agency and part of the DH and therefore has access to the legal team. The same was true of the MCA which was part of the DH. (This last paragraph was supplied to me by the DH)

¹⁷ A communication from Sally-Ann Downey, Head of DWP Prosecutions Division London.

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Both Michael Deats^{18 19} and Danny Lee-Frost²⁰, the manager and head of operations in E&I respectively, are former police officers, as are a number of the investigators in the enforcement section. Mick Deats, an ex-National Crime Squad member, outlines his role in enforcing counterfeit law in policing terms. ‘We’re getting better at looking for and finding counterfeits, and carrying out in-depth investigations and criminal prosecutions hand-in-hand with the police force.’

The Group raids premises, make and take statements, and confiscate products, computers and paperwork. Although they are not police officers, they can obtain warrants for raids from magistrates and judges. Enforcement often links up with Trading Standards Officers in local areas. The group is intimately linked to the BBC, which frequently carries quackbusting magazine items on its behalf.²¹

¹⁸ Both these staff in the MHRA, are cited here in some detail not because they are personally interesting or even still hold the same positions, but as good examples of the way in which leading police officers from the Met have moved into this pharmaceutical force.

¹⁹ Before he moved to the MHRA, Michael Deats was the Deputy Head of the National Hi-Tech Crime Unit (NHTCU). The unit has responsibility for combating serious and organised Hi-Tech crime within, or which impacts upon the United Kingdom. Deats joined the City of London Police in 1975, and specialised in Criminal Investigation in 1979. Since that date he has investigated serious and organised crime with the City of London Police, Metropolitan Police and the National Crime Squad. In addition he has served with the Anti Terrorist Branch and Murder Investigation Teams at New Scotland Yard. In 1998 Michael joined the National Crime Squad as a Branch Commander, primarily investigating International Drugs and Arms trafficking operations.

²⁰ Enforcement Unit Acting Group Manager Mr Michael Deats; Head of Criminal Investigations, Special Operations, Policy and Casebuilding Unit Mr Danny Lee-Frost Secretary Ms Jessie Hitchens; Senior Enforcement Officer, Investigation Unit Mr Steve Clark; Prosecutions, Systems and Training Unit Mr Joe Kyne.

²¹ See this author’s book *Brave New World of Zero Risk* and *Dirty Medicine* for an explanation of the pharmaceutical industry’s attempts to control the press and their closeness to the BBC, especially in the case of cancer treatments.

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‘Officers’ in the enforcement group have their own powers, conferred by the Medicines Act 1968 and subordinate legislation applying to the Act. These powers include the right to enter any premises to inspect, to take samples, and to require production of any books or documents and to take copies of any such book or document, or entries therein. ‘Officers’ are bound by the Police and Criminal Evidence Act (PACE) and PACE codes of practice. It is a criminal offence to obstruct an enforcement officer. However, this particular police service stands well outside the discursive apparatus of accountability that exists either within the London Boroughs or at County level outside London. These enforcers are literally a law unto themselves – or, more specifically, the law of the pharmaceutical companies.

While all kinds of counterfeit matters, from clothes to perfumes, are dealt with by the state police in Britain, matters relating to pharmaceutical counterfeiting are dealt with by the MHRA police force, which is funded by the pharmaceutical industry. Over the past decade, apart from its concerns with drug counterfeiting, the enforcement group has been particularly involved in a campaign against Traditional Chinese Medicine (TCM). ‘The MHRA will not hesitate to take enforcement action, up to and including prosecution, where illegal TCMs pose a risk to public health,’ said Deats.

Without noticeable irony, Deats is reported as saying ‘We recognise that some people value herbal remedies, such as traditional Chinese medicines, but there is evidence that standards used in the production of some TCMs are unreliable. *The MHRA continues to investigate reports of the use of mercury, and other toxic substances, in traditional Chinese medicines. The inclusion of mercury in these products poses serious risk to public health and*

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the harmful effects including nausea, abdominal pain and kidney damage are well known'. [authors italics]²²

Many of the prosecutions that the MHRA initiated over the past few years, other than those involving counterfeiting, have been to do with selling pharmaceutical medicines such as Viagra without a license.²³

In relation to therapists who claim to have cures, and in relation to persons selling non-pharmaceutical products determined as medicines by the MHRA, in the ten-year period 1995-2005, out of the 108 prosecutions brought by the Enforcement Group, 16 were to do with selling or promoting unlicensed medicines.²⁴ Only five of these prosecutions actually went to Crown Court, and all the prosecutions except one resulted in a guilty verdict. Punishments ranged from fines and conditional discharges, to suspended sentences. A look at other investigations and charges shows that most of the work of the group could have been done by the state police and not by a special 'pharmapolice'.

Closely Observed Cases

²² This statement reflects one of the major conflicts involved in being paid by pharmaceutical cartels. If Deats really believes his own promotional material, why is he not organising raids on mercury containing vaccine stocks?

²³ On this matter, as with the distribution of contraband cigarettes, it is important to ask whether the major pharmaceutical companies themselves are playing a part in this distribution.

²⁴ This was information sent to me by the MHRA under the FOI. The information was not very specific and the agency claimed that in some matters they did not record information; for example, they had, they said, no information on the incidents of raids carried out on these matters.

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I began writing about attacks on alternative therapists and product manufacturers by quackbusting groups, regulators and private pro-science campaigners in 1990.²⁵ My first book in this area, *Dirty Medicine: Science, big business and the assault on natural health care*,²⁶ charted the growth of the British Campaign Against Health Fraud in Britain, and other aspects of the ‘quackbusting’ movement.

In *Dirty Medicine*, I looked in detail at the attacks on a whole list of individuals and organisations.²⁷ Despite the fact that such turf wars have been relatively common in a number of different post-industrial industries, many people who saw my book refused to believe that there were organised attacks on therapists and producers in the field of health. The reasons for this are relatively straightforward: most people have got used to thinking of doctors and scientists as individuals whose work is generated by humanistic and even philanthropic concerns and not by individual or corporate vested interests.

In the period that I was researching the book, between 1990 and 1993, the Department of Health tried to introduce national regulations for the production and use of herbal and other treatments. The heavy-handed approach and the dirty tricks, especially relating to the campaign against B vitamins, organised by the Department of Industry, led to an outcry from patients, therapists and producers.

²⁵ See this author’s web site: www.slingshotpublication.com

²⁶ See this author’s *Dirty Medicine*

²⁷ These included: Jad Adams, Philip Barker, Jacques Beveniste, Dr Jean Monro, the Bristol Cancer Help Centre (now Penny Brohn Cancer Care). Penny Brohn, Monica Bryant, Larkhall Natural Health Ltd, Rita Greer, Dr David Freed, Dr Max Gerson, Dr Sandra Goodman, Patrick Holford, Harry Hoxey, Dr Warren Levin, Cass Mann, Dr Linus Pauling, Dr Jonathan Wright, Dr Steven Davies.

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In the main, public battles around cancer and other alternative treatments take place between doctors, therapists, the state and regulatory and pharmaceutically-backed agencies. Movement on these cases is ponderous and can go on for years. A number of medically-qualified practitioners and other professionals spend their whole lives under the scrutiny of the law and professional bodies. However, the strategies used by the state in these high ranking cases, except in emergencies, are very formal: ministerial enquiries, bent epidemiological studies, statements from Ministers and even changes in the law.

On the next tier down, there are cases that involve evidently knowledgeable and intelligent public figures, whom it is difficult to accuse of lying, criminality or quackery.²⁸ Fortunately for medical orthodoxy and the pharmaceutical companies, such adventurous individuals are few and far between.

At the bottom of the pile are those ordinary and often unrecorded individuals who, for one reason or another, stray into the pathway of alternative treatments and, convinced of their efficacy and the hope which they bring to patients, begin to promote them with the energy of a convert. Business is anyway a rocky road for the amateur, and business in a war zone leaves the entrepreneur vulnerable on all sides. Every available strategy is used against citizens who get independently involved, especially in the business of alternative cancer care.

²⁸ The care of Gerin Tosh is interesting in this context. Michael Gearin-Tosh. *Living Proof: A medical mutiny*. Simon & Schuster UK Ltd. 1997.

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Despite attempts to disengage from this area of reporting and writing, I have kept track of as many attacks as I have been able, interviewing people where possible and in some circumstances helping with court cases. In 2004, I looked at the case of a therapist in Wales who had been charged by the MHRA after being apparently 'exposed' in a BBC programme. Roy McKinnon was a therapist who worked with, advertised and sold a technology manufactured by Hulda Clark, PhD, ND, a notable North American health practitioner. The technology, called the 'Zapper', was based upon the frequency-generating machine developed by Royal Rife, an important 'alternative' cancer scientist. When McKinnon's case eventually came to court, it lasted a couple of days before being thrown out. The judge complained to the prosecution that it seemed best in a case where someone was accused of having advertised 'a cure for cancer', for the prosecution to present evidence of the charge! Wanting to follow up other cases 'exposed' by the same BBC programme, I contacted Jim Wright.

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Part One Headlong Into Trouble

In five years of trading, I have not received a complaint of any kind from any of the hundreds of customers who have made purchases from me.

Jim Wright

In 1996, James Wright, then the pastor in a small, non-denominational Christian church in Port Talbot, received an email newsletter from Jason Vale in America. Broadly speaking, Vale discussed a cure for cancer, which had been around for 50 years or more, that of vitamin B17, found abundantly in apricot kernels and known in synthesised form as Amygdaline or Laetrile.

At the time that he received the email from Jason Vale, Jim was, he says, just like the average Joe Bloggs – a person who always thought that his doctor was acting in his best interests. When he did begin to learn about the politics with which medicine is riddled, he was shocked. He came to believe that numbers of natural, non-toxic and non-invasive treatments, some of which had been known of for hundreds of years, were being suppressed – that treatments that had been well recorded and tested had been purposefully ignored by the medical establishment.^{29 30}

²⁹ Barry Lynes one of the most important writers about alternative cancer treatments says this in his book, *The Healing of Cancer*: ‘The evidence that a vast conspiracy exists to prevent the use of new discoveries and known alternative therapies in the treatment of cancer is overwhelming. That there is a determined effort by vested interests to continue using drugs,

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Jim also concluded that many patients were being exploited by orthodox medicine, by doctors and researchers who acted only in the name of profit. Jim had always tried to help people, and the new understanding he gained ‘really got my back up’. He is, he says, proud of having always been 100 per cent genuine and never having ‘tried to con anyone’.

Looking back on that first email newsletter, however, Jim couldn’t help but think that Vale’s ideas was ridiculous. Knowing Vale to be a committed Christian, Jim wondered why he would make up such things. It was then that he started, as many people do these days, to research the subject of cancer on the internet.³¹ He quickly found the book *World Without Cancer*, by Edward G Griffin³², and, having read that, he contacted some of the people who gave testimonies on Jason Vale’s website.

After some study, he began to think that the priorities in relation to orthodox cancer research were politics and money, with any concern for the victims being secondary. He found this *business with disease* deplorable and decided to do something about it.

radiation and surgery, despite substantial documentation that they don’t work, no longer can be dismissed.’

³⁰ Even I was shocked to find that eschorotic, mainly herbal cancer salves had been, through the ages, the best and most effective treatment, especially for breast cancer. Today anyone producing these salves in Europe or North America would probably find themselves in jail.

³¹ Over the past five years or so, there has been a campaign, especially in Britain by Professor Edzard Ernst, (Chair of Complementary Medicine, University of Exeter), the notable ‘quackbuster’, who is aligned with HealthWatch and CSICOP, to prevent from individuals posting information about cancer treatments on the internet.

³² G. Edward Griffin, *World Without Cancer: The story of vitamin B17*, American Media, California. 1974.

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In 1998, Jim Wright set up Ynoddfa Marketing³³, to offer alternative, non-toxic remedies to support people battling serious illnesses. Ynoddfa, a name which he took from his church, is Welsh for refuge, and not the desire for money, but philanthropy, was the driving force behind this. Increasingly, however, Jim's family became concerned that selling cancer alternatives would land him in trouble – and with reason. In 2003 Jason Vale, who had been hounded by the FDA from around the time Jim received his newsletter, was himself sent to prison³⁴. This despite the fact that, at that time, and still today, it was legal to sell the natural apricot kernels, if not the synthesised Laetrile. Jim began buying and selling apricot stones and vitamin B17. He first bought from Jason Vale's organisation, but soon found that he saved money for clients by going straight to the original manufacturer.

It is difficult to gauge how serious Jim Wright was at this time about setting up a business dealing in alternative treatments. He was running the church, and any 'wages' he received came from the church in the form of

³³ 'Ynoddfa', a name which he took from the name of the Church, is Welsh for 'Refuge'.

³⁴ At 35, a North American, Jason Vale developed terminal cancer. He treated himself with apricot stones, known since the 1950s to contain a substance called Laetrile and also known as vitamin B17. Having cured his cancer, Vale travelled America, becoming the Arm Wrestling World Champion. The story of his self-treatment led to his being interviewed by various newspapers, radio stations and TV shows. He set up his own company named the Christian Brothers, began to supply people with apricot kernels, and produced an information video and other supportive media. Despite thousands of success stories, and without one customer complaint, in the late 1990s the FDA seized Vale's company stock of apricot kernels and his computers, then brought him to criminal court for promoting this natural answer to cancer. The FDA claimed that apricot pits had no therapeutic value, saying that Laetrile was a 'new drug', which had not been approved for sale or importation. In November 2000, the FDA obtained an injunction forbidding Vale and his company to sell or promote the use of Laetrile as a cancer treatment. In the next few years, the FDA accused Vale of breaking the injunction, and in July 2003, in New York, Vale was put on trial, at which he acted as his own attorney and accused the government of setting him up. At the end of the case, on June 18, 2003, Vale was sentenced to 63 months in prison and three years of supervised release.

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gifts. This was never enough to live on, and he and his wife, Sandra, would regularly sell possessions. It was grim, and they only just scraped by. Still, when he began buying and selling apricot kernels, he had no intention of becoming a businessman, it was simply an attempt to help people in his immediate community.

Not long after he began trading, Jim came across another range of products, called Cansema. These had been developed in North America by Alpha Omega Labs, set up by Greg Caton and his wife, both North American naturopaths. The Catons' company was trying to reintroduce native American herbal treatments, especially for cancer.

Three things happened soon after Jim set up Ynoddfa Marketing, which increased his faith in the alternative treatments, especially those from Cansema. In 1999, Jim developed worrying, deep-brown blemishes high on his forehead. He didn't go to his GP or a consultant to have this condition diagnosed, and he is now quite happy to admit that he might have been worrying unduly about what this condition was, but he treated his skin with Cansema salve. After some precipitous activity and the production of a 'crust', three unsightly dark brown skin markings completely disappeared. Jim made no great claims for this self-treatment, in fact he told few people and certainly did not make it a selling feature.

On another occasion, Jim's mother-in-law, who was over 80 at the time, had a carcinoma on her face diagnosed and consequently removed by surgery. After six months, however, she returned to the hospital for tests, only to find the cancer had re-emerged. It was removed again, but this time with a

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much deeper incision that required stitching. At her next six-monthly check-up, this first carcinoma had healed, but concerned as to what treatment might be necessary, she didn't tell the doctor about another spot, close to her eye, that was giving her trouble.

Knowing of the success that Jim had had, his mother-in-law asked if she might try the salve. Sandra carefully applied a very small amount on the spot. The application created a 'violent' eruptive reaction, just like the one Jim had undergone, which frightened both Jim's wife and her mother, but within three weeks it had cleared completely.³⁵ Sandra's mother is now 90, and her face has remained clear of serious blemishes of any kind.

In November 2000, Jim was approached by the family of a young girl, Phoebe, who was suffering from a brain tumour and undergoing orthodox treatment. The family wanted to know if he had any products that might help *in any way* with Phoebe's general state of health. They had also been doing research and were interested in Cansema products.

By this time, Jim was increasingly aware of the minefield into which he had stepped when working with any kind of alternative cancer treatment. He explained at length to Phoebe's parents that he was not a therapist of any kind, and could not vouchsafe that any of the products he sold had a direct or

³⁵ This is a usual reaction created by herbal 'salves', which were commonplace treatments amongst the native American Indians and are still used in some countries. See Ingrid Naiman, *Cancer Salves: A Botanical Approach to Treatment*, Seventh Ray Press, Washington, 1999. Naiman gives the following description of the immediate reaction to the application of a salve or paste: 'When using an escharotic preparation on a malignancy or any other reactive tissue, the process typically begins with a chemical reaction that is variously described as hot, irritating, burning or blistering ... Gradually, the tissue that has reacted with the escharotic, necrotizes and begins to form into a slough, discolored tissue that is dead.'

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curative effect on cancer. After discussing with him the products that he sold, Phoebe's family bought three of them.

At no time did Jim tell the family that any of the products could cure cancer. In the event, Phoebe, whose case was reported quite separately from Jim's in the media, made considerable improvement. Again, Phoebe's case gave Jim more faith and made him feel more confident in the complementary use of his products. However, he readily admitted that he did not know what actually effected the alleviation of Phoebe's condition, and always made a point of saying in private conversations, that Phoebe was having orthodox medical treatment.³⁶

In April 2002, as part of his continuing quest to gain knowledge about alternative health and the conflicts that surrounded it, Jim became a member of Dr Matthias Rath's organisation, the Rath Foundation. Dr Rath is part of

³⁶ The following is a letter written by Phoebe's mother to the solicitor who defended Jim during his trial.

RE: Jim Wright and my daughter Phoebe Latham: My daughter was diagnosed with an inoperable tumour in the mid-stem part of the brain in February 1999. She was given eight months to live by the Christie Hospital in Manchester. With the exception of radiotherapy and steroids there was nothing the doctors could offer us. Through our desperation we searched the Internet for any hope in this terrible situation. After much searching we found Mr Jim Wright's website and information on how to help, we were able to chat to him on the phone, and found his advice both genuine and useful. He is a very caring man and helped our family through a very difficult time. He advised that we use B17 tablets and a Cansema tonic, which were both reasonably priced. In fact, throughout the time we used the medication he advised, he actually gave us around three months' supply free. My daughter was three when she was diagnosed – she is now 10 and going to be going to secondary school next year [2007], a milestone that we believe Jim is responsible for! Of course we cannot be sure, but the radiotherapy was only going to enhance her life by six weeks. The medication supplied by Jim certainly did her no harm. In our opinion, Jim should not be facing any charges – he is a genuine, caring man who is very knowledgeable about health and only wants to help people. Yours sincerely, Carol Latham.

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what has become known as the Health Freedom Movement, a global network of people and organisations who want to free health care from the censorious grasp of the pharmaceutical corporations. On June 14, 2003, Jim and Sandra attended a three-day symposium in the Hague, organised by the Rath Foundation.

Jim thinks now that it was the publicity surrounding Phoebe's case that kick-started the attacks upon his business. However, like many people caught up in events organised by a far more powerful forces, Jim doesn't see clearly the other causes of the conflict further away from home.

In 2001, the North American Food and Drugs Administration (FDA) embarked upon a campaign named 'Operation Cure All', aimed at wiping out the producers and retailers of any kind of herbal treatments for cancer. The initiative, begun by the FDA and the Federal Trade Commission, was allegedly intended to stop 'internet scams for supplements and other products that purported to cure cancer, HIV/AIDS and countless other life-threatening diseases'.³⁷

³⁷ The fullest and best-written descriptions of the work, arrest and imprisonment of Greg Caton is by Mark Lipsman, a Boston-based writer, editor and holistic practitioner. Lipsman's writing can be found at http://www.goodhealthinfo.net/cancer/fda_panacea.htm

The Alpha Omega labs, in North America, the premises where the Cansema range of products was produced, were shut down following raids by the FDA in 2003. The founder of Cansema and the owner of Alpha Omega labs, Greg Caton, was imprisoned in 2004. Alpha Omega is now re-locating in Central America. In an August 2004 update they made the following apology to their customers on their website:

Alpha Omega Labs manufacturing capabilities are currently being set up in Central America and Eastern Europe. We would have liked to have some vestige of the operation in the US, but the virulent opposition to alternative health care in that country makes this impossible. Greg Caton, AO's original founder, has had to leave the company, firstly, because of his imprisonment; and secondly, because he was effectively told during his sentencing hearing

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On September 17, 2003, Greg Caton answered a knock at the door of his home in Lake Charles, Louisiana, to three US marshals with semi-automatic weapons. When he confirmed his identity, he was handcuffed with his hands behind his back, and the marshals began executing a warrant to search his home. After a long detention without charge, he was finally tried and sentenced to two years' imprisonment.

The links between the US and British so-called 'health fraud' movements and these countries regulatory agencies are well recorded.³⁸ The British health fraud movement (HealthWatch) has recently been re-invigorated. In place of a rather amateur cohort of health anoraks, there is now a set of gleaming new lobby groups, heavily subsidised by pharmaceutical corporations, and efficiently linked to US lobby groups and various Neo-Con and Liberal lobbyists.³⁹ It would seem probable that the new focus on Jim Wright by the MCA was partially initiated by his sales of Laetrile, and partially related to Operation Cure All.

Preparing to Raid the Wright Family

Not long after he set up his website, Jim Wright received a letter from his local trading standards office, and attended a meeting with one Mr Harry, a Rasputin-like figure with a long, bushy beard, known locally as 'Dirty Harry'.

that he was never to sell herbal formulas again. (Exact words used: 'unapproved drugs', which is a FDA catch-all that includes any herbal product that exhibits medicinal properties.)

³⁸ See this authors, *Dirty Medicine* and the Annual Report of the MHRA

³⁹ See this author's *Brave New World of Zero Risk*, published by Slingshot publications.

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The trading standards officer told him that everything would be all right with the site, so long as he did not make any claims.

Some time after this meeting with Harry, Wright received a call from a Ms Caroline Beaumont at the Medicines Control Agency (MCA). The first time she rang, he remembers, she told him that she was from the MCA and that she wanted to go through the details of his website and to discuss particular statements on the site, which constituted claims and which he would have to change. ‘There was actually no discussion,’ Jim says ruefully, ‘she just said “Do this and do that”.’ Unwilling to argue with her, Jim simply complied with everything she asked of him. In fact, none of the things to which Beaumont drew his attention was a claim that he had made personally: ‘I had copied quotes from manufacturers.’ Wright maintains that conversations with Beaumont continued for a month or so. When everything was changed, he received a letter thanking him for his compliance.

At a distance of four years, Wright can remember one of the things about which Beaumont complained. ‘I was selling coral calcium⁴⁰, and I had taken down from the manufacturers’ website lots of information about it. She asked me to take everything that I had on the website down, which I did.⁴¹ She must have rung me as many as 10 times over quite a short period.’

⁴⁰ Coral calcium is a natural product, which helps bone density growth. The government and the MHRA spent many years supporting Wyeth Pharmaceuticals and their production of HRT, which they said stopped osteoporosis and supported bone density – this was despite the fact that for many years HRT was not licensed specifically for this condition.

⁴¹ These initial phone calls between Jim Wright and the MCA were to become a bone of contention during his trial. One of the reasons, however, that Wright was unable to offer exact evidence of them was because all his records had been taken from his premises by the MCA following the raid which took place in 2005.

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Things were quiet until the end of April 2003, when Wright had a phone call from a young woman calling herself Jayne. She had rung, she said, regarding her partner, Simon, who had had a melanoma removed from his leg. However, unfortunately, the cancer had returned and spread elsewhere. Jayne wanted to know, could Jim cure Simon?

‘No, I’m not a practitioner,’ he told her. He was definite in the extreme about this. In that first conversation, however, he did say that some of the natural products he sold might help in strengthening the immune system, and thereby help in cases of serious illness. He also told Jayne that the products he sold had no adverse side effects. Ending the conversation, Jayne asked if she and Simon could come to see him. According to Jayne, Simon was afraid to try alternatives. She asked to meet Wright outside a hotel in Port Talbot.

Now, over three years later, and with all kinds of ignominy having flowed under the bridge, Jim says, ‘Very foolishly I agreed to this meeting.’ ‘Foolish’, because he has since realised that what she was asking of him might, had he thought it through, have been construed as ‘giving medical advice’.

However, as an honest person, Wright tends to take people at face value. Had he known that Jayne was lying to him with the intention of entrapping him, he would, obviously, he now says, have had nothing to do with her. On the other hand, he points out, had she approached him saying

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that she was working on a television programme about alternative treatments, he would have been happy to make an arrangement to meet with her.⁴²

From the time that he first set up his website, Jim Wright had been scrupulously careful not to break the law; he was not trained to give medical advice and he did not give it. He sold products to people who had already formed the view that these products might help them. In fact, he rarely met people, and his growing business depended almost completely on people ordering products from his website.

On May 1, 2003, Jim met Jayne and Simon at the Twelve Knights Hotel in Margam. Despite the fact that he didn't know that he was being secretly filmed, Wright was very careful about what he said to them. After a discussion, they all went back to Wright's home to pick up the products, and his son Chris made everyone a cup of tea.

Jim's mother's house had come on the market in late 2002, and although it needed an enormous amount of work, Jim and Sandra bought it and moved in. When the agents provocateurs went to the house, it was still dilapidated and therefore ideal for their purposes. Rooms that had not been decorated were full of boxes; secretly filmed, Jim could be made to appear

⁴² There are laws in many other countries, particularly North America, against secretly recording a person for a television or radio programme. The BBC handbook, *Producers' Guidelines: The BBC's values and standards*, states the following about secret filming: 'Surreptitious recording should not be used as a routine production tool, nor should it be used simply to add drama to a report.' Only one of the following four listed purposes for secret filming could apply even vaguely to the case of Jim Wright, in fact it does not apply at all. That is, 'As an investigative tool to explore matters which raise issues of serious anti-social or criminal behaviour where there is reasonable prior evidence of such behaviour.' Perhaps another reasonable caveat to append to this would be 'and where the subject of the investigation would clearly or already has turned down a possible interview'.

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like a Fagin character. Today, the same house is airy, light and comfortable, and Jim looks every inch the solid, lower-middle-class citizen that he is. While covertly filming, the couple bought products produced by Greg Caton's Alpha Omega Labs. The cost of these products came in total to £90.00.

About 10 days after Jim had met Jayne and Simon, he had another call from Jayne. She asked if she could pick up some more of the products she had bought, as she and Simon were going on holiday. There was no problem with this. However, again she insisted on meeting at a hotel, saying that she would have difficulty in finding his house. When Jim got to the hotel in his car, a blue Mazda, he could see Jayne at the other end of the car park and he walked over.⁴³

As he began speaking to Jayne, he turned around and the camera crew seemed to appear from nowhere. She said, 'We are not what you think we are.' Jim had of course realised this, and it crossed his mind for a split second that she might actually be the apparition of a well known Port Talbot tart who had been seen hanging about this car park since Edwardian times. Jayne, the female TV presenter, was very abusive, and Jim found the experience deeply upsetting. Despite his fears, Jim spoke to her and her crew for about 30 minutes. In his mind was an intention to persuade them that he was an honest and caring person.

⁴³ On the TV program he arrived in a Red Transit and left in a blue Mazda – so much for accurate reporting.

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Ultimately, however, they appeared to be not in the least interested in the truth. Jim was repeatedly accused of conning people and taking advantage of the dying. After a while, thinking, 'Why am I listening to this rubbish?', he decided to leave. The camera crew had been waiting for Jim to make a move, and when he did, they hounded him like a crook leaving the scene of a crime. At no time was he offered the possibility of putting his point of view to the programme.

Following their setting up of Jim Wright, the programme researchers went to great lengths to contact Phoebe's parents, then tried to get Phoebe's mother to say categorically that it was solely the doctors' treatment that had made Phoebe's condition better. She was quite upset at the reporters' insistence, and rang Jim to discuss the problems that the programme was creating for her. Phoebe's mother wanted to go on their programme, to tell them about Phoebe's recovery in detail. However, after the first harassing phone calls from the programme-makers, she heard no more from them. Meanwhile, Phoebe's oncologist had been giving out Jim's phone number, so that patients could consider the range of complementary treatments he made available.

On their previous visit, Jim had felt sorry for Simon, who seemed to be in a lot of pain; whether or not he was acting he had no idea. Jim told him he would not charge him VAT, in order to make the product cheaper for him. This act of generosity was twisted in the television programme, when it was made to appear that Jim did not pay VAT on his sales. In fact, all the products that Jim sold were liable to VAT, and all his VAT transactions, including the one to Jayne and Simon, were included in his accounts.

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The BBC Wales *Week In Week Out* (WIWO) programme went out on Tuesday May 20, 2003. The programme was titled ‘Bogus Cancer Cure’. It might more accurately have been called ‘Bogus Cancer Sufferer’, or ‘Bogus Journalists.’

Jim found the programme mortifying and could hardly believe that journalists could stoop so low. It made him feel an outcast in his own community; he sensed that people now saw him as shady and as a criminal. Although he received a great deal of sympathy from friends and neighbours in Port Talbot, he found it very difficult at first to live down the shameful representation of him. He felt that both the raid and the programme had a deleterious effect upon his own life and health and those of his wife and son, who was living at home.

Jim was not to know that the BBC has a long history of censoring information about alternative cancer treatments and toeing the orthodox line.⁴⁴ In fact, just as corporation has, in the past, always had a resident MI5 advisor with his own office within the BBC, until recently it also had an oncology consultant, who read, vetted and commented on matters to do with cancer in any BBC programme.

When the dust had settled, it became Jim’s firm impression that the MHRA was involved in the production of the WIWO programme, and that it

⁴⁴ See this author’s account of the programmes about the Bristol Cancer Help Centre in *Dirty Medicine*.

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was produced at the Agency's instigation.⁴⁵ For one thing, the products that Jim sold to the fake cancer patient and the fake friend of the fake cancer patient, the so-called 'journalist', were not products that he had on his website, they were Alpha Omega Labs products and made no claims on the boxes or the labels. Despite the fact that these new products had fallen into the hands of the WIWO programme, Wright received *no* information telling him that the two herbal treatments that he had sold to the fake cancer sufferer and his fake girl friend were illegal or could not be sold.

On the Tuesday before the programme went out, Jim received a call from the MHRA, asking to see him, they said, about his website. He was invited to a meeting on May 22, which, he was later to find, would fall just two days after the broadcast of the TV programme. After carefully considering the offer with Sandra, Jim decided that there was a possibility that TV cameras would be at the offices of the MCA, and, feeling shaken and traumatised by his recent experience, he decided not to attend. When Jim rang to say he wasn't coming, the MHRA representative expressed, he says, some dissatisfaction' with him.

Another meeting was organised, at which were present a large, bulky ex-Metropolitan police officer named Hatchwell, a short, mousy little man named Slater, and 'Dirty Harry'. Jim Wright was given no idea why this interview was being convened, but both the MHRA 'investigators' tried

⁴⁵ The involvement of the MHRA with BBC Wales was confirmed later by one of the MHRA Investigators, who admitted to printing out some of the evidence from web pages in the offices of BBC Wales.

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throughout the interview to make him say that he could ‘cure cancer’; he never once said this.

The First Raid

Jim Wright’s semi-detached house is almost at the end of Eagle Avenue, a short cul de sac off the main Cardiff-Port Talbot Road. As you walk down the road to the house, the chimneys and gantries of the industrial estate along the coast rise into view.

Jim’s work place consists of a small study crammed with office equipment and filing systems, and a large garden shed, in which he keeps some of the products that he sells. The ‘shed’ isn’t, as I had first envisaged it, a shed in a field at the back of the house. In fact, Jim’s backyard is like a Spanish veranda, 20 feet deep, brimming with flowers and birds, and with a large wooden table and some chairs on a flagged square. The room-sized wooden shed, more of a cabin, which has a vine growing up its side, represents one end of the back garden.

A week after the programme had been shown, on May 29, 2003, there was a 7.45am knock on Jim’s front door. Five people from the Medicines Control Agency, in plain clothes, with a warrant from Bow Street Magistrates Court, entered his house to search it. They presented no form of identification. Both Jim and Sandra felt that they were treated like ‘dirt’ and ‘like drug dealers’. During the search of his property, the MCA took possession of all Jim’s stock and his computer.

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The stock was valued then at around £3,000; none of it had at that time been classified as a 'medicine', and most of the products could be bought in any high street health shop. A few of the products they took had been bought for Jim's own personal use. One product was Stevia, a natural sweetener and a completely legal foodstuff in Britain. Stevia had, however, been banned in North America, following its competitive success against the sugar and artificial sweetener industry in Japan.

At the beginning of August 2003, Jim was called again by the MCA, this time, for a formal interview, which was arranged for August 14, 2003. He took his son to take notes at this interview. After the meeting, Jim's computer was returned to him, but he was not notified as to what had been done to it, or what information had been extracted from it. At the end of the meeting, Jim told William Slater of the MCA that he had contacted his MP. Slater replied, 'The MCA don't take any notice of MPs.'

As a consequence of the BBC programme and the raid on his house, Jim's business was plunged into chaos. He felt unable to work properly, to bring in or to send out orders. At the least there was an expected outcome from the raid and seizure of his stock hanging over his head; possibly he would be charged. At the beginning of December 2003, Jim rang Mr Harry of trading standards, whom he believed held his stock. Jim asked when he could expect his stock returned, as the products were by now approaching their 'sell by' date. Harry told him that the MCA was in control, and that he would get in touch with them on his behalf. Jim heard no more about his stock.

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Between the end of 2003 and May 2005, Jim tried to continue with his business, rebuilding his stock and paying attention to the discussion he had had with the members of the MCA. He conducted his business in an ethical manner, and made sure, as he always had, that he did not infringe any regulations or laws of which he had knowledge.

After the last interview, and having had absolutely no contact with the MCA, Jim began to put a whole new range of vitamins and supplements on his site, planning to take the focus away from treating illness, to just making people feel healthier.

The Second Raid

Almost exactly two years after the first raid, on May 19, 2005, the Wrights got another unwelcome knock on their front door, this one at 8am. Opening up, Jim found three MCA staff, accompanied again by ‘Dirty Harry’ of trading standards. They were in possession of another warrant from Bow Street Magistrates Court, but again they produced no identification.

Jim’s first words as he came down the stairs were, ‘Not you lot again! What are you trying to do, put me out of business?’ The MCA enforcement officers had reason to believe, they told him, that he had been selling ‘medicines’. They demanded the keys to the shed where he kept his stocks of vitamins and food supplements, and proceeded for a second time indiscriminately to remove all his stock on the grounds that the products were ‘suspected medicines’. Jim Wright’s stock this time included Bitter Apricot

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Kernels, herbal tea, and a wide selection of vitamins that could be bought almost anywhere.

Following the bagging of his stock, Mr Hatchwell accompanied Jim from his store shed to search his office. From the office, the raiding party took all Wright's bank statements, his American Express statements, and the complete folder of correspondence with the MCA. This correspondence was considered by Wright to be part of his evidence in his ongoing difficulties with the MCA and MHRA. They also took the complete folder of all letters he had received from customers.

Together with these things, and against Wright's express wishes, went receipts from internet transactions and his dealings with Ken Presner, supplier of Hulda Clarke Zappers, in Canada. These documents contained personal credit card details of customers who had bought Zappers from Presner. The product had been shipped from Canada direct to customers.

While Jim was in his office with Mr Hatchwell, the other snoops were still in his shed, from where, he found later, they had taken all his accounts information for 2001/2002, 2002/2003, 2003/2004. These accounts had all been prepared by his accountant and submitted to the Inland Revenue. They also took the diary in which he had kept a daily record of money received, for tax and VAT purposes.

When they left the Wrights' house, the team from the MCA left no receipt for the things that they had taken. Although Mr Slater promised faithfully that he would send Jim photocopies of everything they had

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confiscated, Jim received no further communication in any form from the MHRA.

It is, of course, impossible to say with any certainty what the MHRA was looking for when they raided Jim Wright's house in May of 2005. However, judging by the wording of the warrant, and by a number of things that were said to him by Mr Hatchwell while Jim was in his company inside the house, he concluded that they imagined he was stocking B17 or Laetrile. Jim had not stocked B17 in any quantity since it had been classified as a medicine in England.

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Part Two

A Sense of Caring

*So straight 'way the brave little feller
Not showing a morsel of fear
Took his stick with its 'orse's 'ead 'andle
And shoved it in Wallace's ear.*

*You could see the lion didn't like it
For giving a kind of a roll
He pulled Albert inside the cage with 'im
And swallowed the little lad ... 'ole!*

Marriott Edgar

Stanley Holloway's Albert invoked the wrath of the lion, Wallace, at the Blackpool zoo, by poking it through the bars with his 'stick with the "'orses 'ead 'andle".⁴⁶ In 2005, I felt that this was exactly what I had done on Jim Wright's behalf. Having experienced two raids by the MHRA and the seizure of two lots of stock, amounting in value to around £4,000, Jim talked with me about what might be done. I felt that our best course of action was to find a solicitor who would harry

⁴⁶ *The Lion and Albert* a monologue written by Marriott Edgar in 1932 performed by Stanley Holloway. (http://monologues.co.uk/Albert_and_the_Lion.htm)

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the MHRA into accounting for its actions. This, in turn, I felt, could best be done by asking that it explain its failure to bring legal action, or to return the stock that its henchmen had impounded. Jim, anyway, wanted to go on the offensive, to complain to the MHRA about the seizure of his property. He felt that if he simply left the matter, the Agency would see this as a green light to act in a similar way again. We found a sympathetic solicitor willing to work with us.

The solicitor who took on the case appeared in the beginning slightly reluctant to make a move. Most probably he had the same slight suspicion about ‘quacks’ as most people have. When he did act, he wrote two letters to the MHRA. Both went unanswered. Finally, he wrote to the head of the Agency (Appendix A), but, amazingly, this letter, too, went unanswered. In February 2006, the solicitor did receive a phone call from a member of the MHRA enforcement staff. The agency was, the enforcer said, ready to charge Mr Wright with a number of criminal offences.

On May 19, 2006, Jim Wright was charged with offences relating to the selling of medicines, and on June 13, 2006, he appeared at the crown court in Neath. For most ‘ordinary’ people, the appearance in a criminal trial procedure is a depressing experience. The edifice that the law has built in Britain over almost a thousand years is complex and esoteric, the rituals of power as opaque as one-way mirror glass.

Trials pursued by the MHRA are perhaps worse than trials instigated by the Crown Prosecution Service, principally because the prosecution is driven by ideology. More than in any other field of law, except expressly political trials such as those of spies or terrorists, the legal setting in many of these conflicts is simply a charade.

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When the law first fell upon Jim Wright, he appeared, like many defendants, to be wandering in a fog. He experienced no sense of cooperation or participation; things were just *done to him*. However, Jim has a native intelligence, which, though sometimes slow to come to the surface, is a life-acquired process adaptable to any situation. He is not a person who gives up before he has tried all the approaches to a problem. When he was raided the first time, he took the full force of the action like someone faced with a shotgun at close quarters. By the time of the second raid, he was nimbly taking photographs of the raiders as they went about their business.

Jim's approach to the court case evinces this pragmatic problem-solving. At the beginning of the case, ideas of bail, of pleading or of strategically managing his case, passed over his head. By the time of his actual trial, he was rooting out evidence to attack the charges, and exposing conflicts in the prosecution evidence. He had also made up his own mind where he stood on the charges, and if abiding by his conscience led him to plead guilty to one of the charges, it was not without first deconstructing the cynicism which underpinned that charge.

Involved in a court case, many defendants become hog-tied by their lawyers and lose touch with their own feelings about *their* case. They begin to act to an invisible protocol, the first often unspoken clause of which is always the same – speak to no one outside this office about your case, and do exactly as I say.

Although this is the classic lawyer's method of dealing with most cases, it is not good for cases linked to community campaigns. Legal cases progress understanding of campaigns and policy matters, they are the forge of campaign parameters and the laboratory of campaign language. It is through laws, regulation and legal cases that we understand what the 'other side' is saying and how they define themselves. Lawyers, defendants and

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campaigners should work together and do everything to open the court up, to make it as public as possible.

* * *

There were things that I immediately liked about Jim – his patent honesty, his desire to help people and his lack of concern about money. Jim had, for most of the time, what one might call a ‘sunny countenance’. His life was continually summed up by positive rather than negative thoughts, such as ‘I enjoy my life so much’, or, when reflecting on his family, ‘Our children were a joy to bring up, such a joy’.

Inevitably, Jim’s easygoing approach to life, community and family, can be a disadvantage when it comes to thinking strategically about corporate executives, senior counsel and government agencies whose only ambition is to wipe one out. In this respect, Jim’s thinking appeared from the beginning to be ponderous, as well as being imbued with all the ‘common folk’ decency that inevitably accords respect to lawyers and other professionals.

In my experience, it is rare for people who enjoy life so much, to plunge headlong into major battles with the state or corporations, this course being more for Nature’s dourly pessimistic radicals, such as myself. Jim never seemed to let setbacks or small defeats worry him. As we got more deeply mired in what became ‘his case’, he would say in his undulating Welsh accent: ‘Well, I felt a bit down to start with, but I soon bucked up. I’m not going to let fear rule my life.’

In October 2006, prior to the trial, when it came time for two applications to be argued by the defence in Swansea, I travelled to Wales to support Jim. I left my home in Holland early in October with the intention

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of staying for two weeks. I organised my visit to coincide with other work. I had various meetings and interviews, ending with Jim's hearing, which was due to take place on Monday October 23. When the date of the hearing was moved back to October 27, I was left having to re-arrange my stay in Wales and my flight back. The bonus for me was that I stayed a week with Jim and his family.

Born In Port Talbot

It was my third bleak, rainy day outside Swansea railway station in the past two years, but this time I shouldn't have been there. Arriving at Cardiff station I learned that the onward train service to Swansea, which would have stopped at Port Talbot, had been cancelled. There was, I was told, a bus replacement service in operation. My stomach sank as I was ushered on board and assured that we would stop at Port Talbot. In the event, I watched the small congregation of houses round Port Talbot's industrial estates, wreathed in pastel-coloured smokes, pass by at the side of the motorway as the bus churned over the waterlogged road.

When I arrived in Swansea, the efficient young man in charge of the Sunday station was *au fait* with my problem as soon as I opened my mouth.

'Aye, they put you on the wrong bus, was it?' He went to get me a complaints form.

After a series of phone calls, Jim came to pick me up, having arrived home from Port Talbot station, where he had waited in vain. As usual he did not appear to be put out by this inconvenience, and approached me with hand outstretched and a big smile on his face.

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You could exchange Port Talbot for many other small, previously thriving industrial communities in Britain. All the signs of the industrial prosperity created at the turn of the century, like the Statue of Liberty at the end of *Planet of the Apes*, are now disused and fallen into disrepair. The town is mainly the colour of soot, and the constantly rising plumes of steam and smoke tell the tale of an environment historically damaged by untold pollutants. From everywhere, between the houses you can see the tin chimneys and great tubular snakes of the steel manufacturing process.

The pre-Second World War cinema, a massive caramel-tiled warehouse of a building, has long since been boarded up – the death knell of community and public space can be heard faintly from its cavernous interior.

The centre of the town itself is nothing more than a short row of shops, which ends in a rundown, unfinished and partially unoccupied concrete shopping centre built by a Labour-council-employed architect who, prior to its completion, left Wales for sunnier climes. Shoppers in the centre, like aimless strangers out for a post-modern country walk, are at once similar to and completely different from those city dwellers who might have walked in the surrounding hills a century ago. There is a spectacular similarity of garb, which strips the wearer of sexuality – grey shellsuits with dark piping up the arms and legs. The absurd, sodden bellbottoms of tattooed and punctured youth trail on the ground. All garments have to have logos and names on them, as if to refuse this is itself an act of subversion. From the youngest to the oldest, all wear trainers.

So many overweight citizens, great bands of girth, large backsides and fat arms that again mould men and women into similar, androgynous shapes. Without fail, even with make-up, every face has a hard-bitten

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reluctance about it, a submerged anger at the very thought of being present in this nightmare. Everything is cut price, everything is cheaper and of lower quality than it would be in a place that contained middle-class people or a higher preponderance of the employed.

Jim and Sandra Wright have been married for over 40 years. They are both 63 but look younger. Jim is just short of six foot, still youthful despite his baldness, while Sandra is taller, with thick, golden hair cut short. Despite having put on some weight round her hips, about which she complains, she retains the stature and confident movements of the performer that she once was.

Sandra complains slightly, as women married to independent men tend to, that Jim is constantly changing his ideas and beliefs and shifting his work. She says, however, 'It has been interesting, being married to him', which probably means in part that it has been difficult living with little money. Jim, of course, appears not to notice the continuously-changing nature of his life, seeing it as a seamless forward movement, a growing consciousness about life and society. Sandra is a home girl; Jim is an emotional and intellectual hunter and gatherer.

While they were in the Christian community – Jim shakes his head, smiling, and calls it his 'Jesus phase' – they built a house. They both have slight regrets that they sold it in order to buy the house they are now in; the one in which Jim was born. Jim is obviously 'born to build'. As soon as they moved into his mother's house, which had stood vacant for four years, he began to virtually rebuild it. It's now warm and homely.

Sandra works three days a week for the city authority, and Jim sees his provision of health products as a constructive community service. Although they stopped playing and singing in a group some ten years ago, three years

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ago Jim took up playing the banjo. He practises most days, with a serious, scholastic concern for his mistakes and the same self-depreciating humour with which he approaches most of his life. He works hard at transcribing songs and music from guitar to banjo; his real interest is in Celtic folk songs. Now, however, music is just a hobby. Their small semi-detached is full of mementoes of a musical life and pictures of the extended family.

Jim and Sandra have brought up two children, Vanessa and Chris. Vanessa, now in her early thirties, married with two children, has recently begun a degree course. Chris plays in a rock group, Alpine Butterfly. Jim says that Chris appeared uninterested in his parents' music when he was young, but then, at 12, picked up a guitar and very quickly taught himself to play. Working his way into music school, he proved to be a virtuoso guitarist. The singer for Alpine Butterfly is Vanessa's husband. The extended family is very close, acting like an economic unit, helping and protecting its members.

Two Different Nights

Finding myself delayed in Port Talbot, I was able to attend what turned out to be, for me, two unique evening events. The first was a get-together of the Ponterdawe Acoustic Music Club, which met in a slightly rundown Ponterdawe Inn,⁴⁷ squeezed into a small triangle of land between two main roads. The second was a night at The Bank, predictably an old bank building, which had been refurbished as a bar with seating and a small dance space. The two experiences were from different ages.

⁴⁷ I don't mean this as it might sound. Perhaps the best way of describing it would be to say that the pub was from a time before drinking became the major leisure industry that it is

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Jim took me to the Pontardawe Music Club on a Wednesday evening. Whoever had told me whatever about this event, could not possibly have prepared me for the experience. In one long bar gathered some 12 males and females, aged between 12 and 70, with a variety of instruments – guitars, banjos, spoons, mandolins and harmonicas. Although the band was notionally ‘led’ by the man who formed the club, and who seemed to have an encyclopaedic knowledge of folk songs, his ‘leadership’ was not necessary or enforced, and there was no sense of competition.

One song or instrumental gave way to another, as an individual took over from the group and visa versa. What struck me most forcefully was that I was watching a group of people doing something that they really enjoyed – on the one hand anarchic and amateur, on the other, oddly organised and collective.

The second night, watching Chris Wright and Alpine Butterfly in the small, bunker-like interior of The Bank, I felt like a feather in the path of a hurricane. It was four decades ago that I had experienced that volume of noise in such an enclosed space, at the Twisted Wheel in Manchester. The music as well, with its regimented rhythms and staccato short words, was as far away from the narrative of folk and the Pontardawe Acoustic Music Club as you could get. It wasn’t so much two different generations as two completely different worlds. People went to the Pontardawe Acoustic Music Club to participate and work on their skills, while people went to The Bank to lose themselves in sound.

Watching Jim and his family over that week, I saw an order in their days, an intricately-etched picture of family and conjoining circumstances – of Jim running his wife to their daughter’s and to work, of Jim and Sandra looking after grandchildren, of Jim working as the sound engineer for Alpine Butterfly ferrying the group around and taking an immense delight

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on seeing them progress, of Sandra using the car to take her 93-year-old mother shopping and visiting other family members ...

More than three years after the first raid on their home by the MHRA, Sandra was still seething at the observation of one of the raiders. Cynically questioning her relationship with Jim, hinting that she might be some tart staying overnight, he said, 'if in fact you *are* his wife'. This remark sums up the total arrogance of a corrupt government enforcement agency, whose officers have become thuggishly seedy and cynical. Observing Jim and Sandra in each other's company, one sees every sign of a good, strong, dependable and mutual relationship.

In the narrative of the trial that follows, it might be useful to bear the above in mind. For me, these observations illustrate how it could be that, in relation to one issue or another, there was a certain inevitability that Jim Wright would sooner or later come into conflict with the post-industrial state and multinational pharmaceutical concerns. To be guided by dangerous passions such as music and family, which have not been sanctioned by multinational power or corporate standardisation, to be an individualist in a post-industrial world, is to be subversive.

The Ongoing Case

On his lawyers' advice, Jim had chosen to have his case heard in front of a judge and jury rather than a magistrate. While I stayed with him, I took the opportunity to talk to him about how the case had developed. On Monday June 11, a day before his first hearing, Jim met with his lawyers for the first time. Naturally, lawyers are able to summarise cases and make clear to defendants the general nature of the prosecution process. Jim was impressed

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extent that a weight had been lifted from his shoulders. Most importantly, his lawyers appeared to believe in him.

Next day, at Neath Crown Court, Jim looked smart in his wedding and funeral suit. He pleaded 'No commitment' to the charge that he had supplied vitamin B17 to a woman who had enquired about it by phone, and 'Not guilty' to the other nine charges of selling medicines without a licence. Most of these charges rested on products that Wright had not sold for up to four years.

Despite having a Swansea solicitor at court to represent him, Jim felt oddly isolated and prey to the convention of politeness that suffuses crown courts. When 'Simon', the prosecution counsel, approached him and asked if he could help in any way, Jim's wry sense of humour got the better of him. 'Yes,' he said, 'go back to London.'

When Simon introduced the charges to the court, making the most serious case possible, as prosecutors are apt to do, he said that the maximum penalty for each charge was £5,000. Jim was pierced by a momentary spike of fear, although he quickly shrugged it off.

Although Jim immediately saw that the lay-out of the court was meant to intimidate him, he was determined not to let it do so. As usual, thinking practically and in favour of the community, he was more annoyed that the trial was a flagrant waste of public money. He was also annoyed when the clerk of the court was unable, through unfamiliarity with the products involved, to read out the charges properly.

At the end of the hearing, the case was adjourned for eight weeks so that the prosecution could put its case together – after, all they had only had three years to do this. As Jim walked down the steps and out of the court he

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pondered the fact that, if the raiders had also raided his bathroom cabinet, they would have found another 20-odd alternative health products, which, at a maximum £5,000 fine for each ‘illicit’ product, could have netted the pharmaceutically-funded Government department up to £100,000. The trial was promising to represent a scam of considerably greater proportion than he could ever have organised.

By the time of Jim’s next hearing in Neath, on August 9, 2006, his views had begun to harden. He had felt all along that the wrong people were being charged, and that the real criminals were those following pharmaceutical policies that were killing and adversely affecting thousands. Increasingly he was convinced that more people needed to know what was going on. After all, nothing he had ever sold had hurt anyone, nor had he received a single complaint in eight years of trading.

He got ready early for court, aiming to be there an hour before it started. Obviously, he felt nervous, but then, having been in show business, he was used to being nervous before an event. It wasn’t a bad thing, he thought; the adrenalin was preparing him for what lay ahead.

Nearing Neath, he encountered a road diversion, and had to go all the way back around, to take a different route to the court. He still arrived 45 minutes early – too early to enter the court, which, he was told, was not due to start until 14.15; he wouldn’t be allowed in until 13.50. He went for a walk around Neath in the broiling sun, in what he sometimes described as his ‘monkey suit’. Naturally, the waiting increased his nervousness. Entering the court at 13.50, he encountered Hatchwell, the burly, ex-Met, MHRA enforcer, standing in the foyer. Hatchwell smirked at him.

It was the intention of the defence at this hearing to make an application to have the case thrown out on the grounds of lack of evidence

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When Jim got into the court and met with his solicitor, who had travelled from London, he was told that this was still the plan. However, when the prosecution team entered the court, they came over to Jim and his barrister to present them with new evidence. Jim's lawyer was now unable to make an application of *no case to answer* without evaluating this new evidence. In an odd turn of events, at the start of the hearing, the judge addressed the defence, telling them that she knew the defendant and wondered if it was all right to proceed. The defence raised no objection.

After the hearing, Jim and his solicitor discussed the case on the steps of the court. The solicitor had a barrister in mind whose wife was an alternative practitioner. He told Jim that he would return to London, there to review the new evidence, and would get in touch with the barrister and arrange a meeting.

Swansea, September 11

Things began to heat-up with this hearing. Jim arrived at Swansea Crown Court in plenty of time, went through the scanner to check that he had no bombs about his person, and proceeded up the stairs to the waiting area outside court four. He had no option but to sit in the waiting area with Hatchwell and Slater, the two MHRA investigators. In fact, he sat back to back with Hatchwell, and was obliged to listen to the pair talking in exaggerated tones to wind him up. Slater was saying, 'B17 contains cyanide, and 20 people worldwide have died from cyanide poisoning after taking it.'

This police-mentality childishness washed over Jim. He knew that Dr Ernst Krebs,⁴⁸ the San Francisco doctor who had instigated and

⁴⁸ The scientist and doctor who synthesised vitamin B17

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championed the use of vitamin B17 against cancer, had taken it in high doses in front of the press, to prove that stories of adverse effects were bunkum. There was more poison in table salt than in B17, Jim thought. For how many deaths had Vioxx been responsible? Fifty thousand? And there were 250,000 people hospitalised from adverse reactions to prescription drugs every year in the UK alone – at a conservative estimate. The courts should be full of pharmaceutical executives. He felt the anger boiling up inside him again.

Jim's barrister came to talk with him in a low voice, advising that he should plead 'not guilty' to all charges. When the court usher opened the door and let him into the dock, Jim was told to take a seat. The court was a modern room, white walled with blond polished wood. He checked that his mobile phone was off, then stood as the judge entered. He was very struck that there were, including the two barristers and the judge, nine people involved in the proceedings, not including himself and the two 'investigators' – he thought of them as thugs – from the MCA. It was odd to think that he was on trial, while everyone else in the room was doing a day's work – 'on wages', so to speak. It was his third court appearance; how much had it cost the public purse so far? He stood and responded to the charges one at a time.

There was then a lot of talking between the barristers and the judge. At the far end of the court, Jim could hardly hear what was said, let alone understand it. Considering they were talking about him, he thought it all out of order. His bail was extended and he was allowed to leave the court. It seemed just like passing through a patch of dense fog and then out again into the real world.

On his way home, Jim saw that he had made the front page of the local paper. A large photograph and almost the whole front page were taken up

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with the story of his ‘bogus cancer practices’. Why, he wondered, were they going to bother with a trial? In court on that day, at the same time as him, was a man who robbed and assaulted another man at gunpoint. ‘Funny *he* never made the papers,’ Jim thought. It occurred to him that selling supplements and alternative treatments was clearly considered a far more heinous crime than robbery with violence. Jim’s counsel joked that he could well hang. Jim was particularly disturbed by the newspaper reports, commenting that local newspapers, which were entirely dependent upon advertising, were not prepared to do even minimal investigative work before writing their stories.

Swansea, October 27

Each time he attended court, Jim Wright kept thinking that he was about to be tried. But at his appearance on October 27, the defence made two applications. His counsel, Mr Kirby, addressed first what he termed ‘abuse of process’, and, second, a fairly complex issue relating to website evidence brought against Jim. The issue here, his barrister said, was that the evidence was ‘hearsay’. The defence was to suggest that pages drawn randomly from websites, which did not have clear proof of who had written them or when they were issued, could not constitute ‘real’ or ‘original’ evidence.

In the *abuse of process* argument, counsel made the case that, from the time of the first raid on his premises, Wright had been made to endure a second raid, and to wait almost three years before eventually being charged. More importantly, perhaps, until the time that Wright’s solicitor wrote to the MHRA enquiring about the return of his seized stock, there had been no sign of either any discussion or any charges materialising. When the charges were laid, in May 2006, they came not only after the exchange of letters

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between the MHRA and Wright's solicitor, but just three weeks before the 12-month expiry date of any possible charges arising from the last raid.

The defence counsel argued simply that the two raids by the MHRA constituted the execution of arbitrary powers, which they had no intention of following up with legitimate legal procedures. Further, that when they did charge Jim Wright, it was because they wanted to 'cover their backs' in the face of his solicitor's letters. Kirby told the court that it was clear the MHRA had no intention of charging Wright, who had, prior to the last raid, done everything asked of him to comply with their regulations.

According to defence counsel, this undefined and arbitrary process indulged in by the MHRA, brought the court into disrepute and was, he quoted from Archbold,⁴⁹ 'an affront to the public conscience'. However, from the beginning, it was clear that the judge was not in the least interested in the defence submission. In the case of both applications, he erected spurious arguments to challenge the defence case. With respect to abuse of process, the judge rested his case on two ideas, neither of which had the slightest foundation in anything resembling the law.

In the matter of the three-year wait before charges were brought, the judge quipped, 'Isn't that how government departments work?' Of course, government departments are quite different from juridical institutions, and the Enforcement and Intelligence Group of the MHRA, while being almost solely funded by the pharmaceutical industry, has investigators, hires prosecutors and can begin court proceedings that might send a defendant to prison for long periods. Instead of asking whether or not government departments worked in this manner, the judge should have wondered if this was how a police department might have worked.

⁴⁹ Archbold Magistrates' Courts Criminal Practice

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In his second off-the-cuff remark, the judge asked defence counsel, in a tone resonant with disbelief, ‘Are you saying that *inertia* [a period of three years and two raids without any further legal process] is tantamount to abuse of process?’ It occurred to me that counsel might have answered. ‘If we were talking about Russia, and we said the police raided this man’s home twice but failed to bring any charges over a three-year period ...’, this judge would be up in arms, protesting the vagaries of foreign systems (or, of course, he might have been lavishly in agreement). One wonders where *inertia* stops and oppression begins – what would have been the case had the *inertia* continued for another year and involved a third raid on Wright’s premises?

The judge chose to believe, without much analysis, that the final laying of charges had nothing to do with letters from Jim’s lawyers to the MHRA. He failed to discuss the rights of defendants in cases where the MHRA raids their premises and steals thousands of pounds’ worth of stock, then neglects to bring charges or to return that stock. After all, what did criminals expect? The police didn’t raid a porn merchant, seize stock but return it when it was found to be within the law. In this, he completely and unreasonably supported the prosecution, as he did in accepting that there were ‘problems and delays in collating further evidence’, and ‘problems and delays with internal and external legal advice’, over a two-year period.⁵⁰ The judge seemed unfamiliar with the concept that ‘Justice delayed is justice denied’.

⁵⁰ The truth of why the MHRA failed to bring charges following the first raid probably has something to do with the fact that, following the *Week In Week Out* programme which aimed to fit-up Jim and others, the MHRA badly lost their case against Roy McKinnon. Had they won this case, they probably would have proceeded with charges relating to making claims for a cancer cure, rather than the selling medicines without a licence,

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The prosecution claimed in its ‘response to *the Defence Skeleton Arguments Concerning Abuse of Process*’, that following the first raid on Wright’s property, investigators had found some 18 items that they determined to be medicinal products. Why no discussion on compliance was entered into with Jim Wright after this raid, however, remains as mysterious as the fact that he wasn’t charged. What is less mysterious is the fact that, following the second raid, and still having found nothing on which to base charges, the MHRA decided to trawl the internet to find any possible coincidence between Jim Wright’s name and any product that might be considered borderline.

The judge was as competently antagonistic to the defence on the second application relating to hearsay, as he was on the first matter. Barrister James Kirby’s arguments that website prints cannot be depended upon as ‘real’ or ‘original’ evidence, were based on centuries of English law. The principle at stake is simple even for a judge to grasp, and it is also present in the European Convention on Human Rights: ‘Everyone charged with a criminal offence has the right to examine or have examined witnesses against him.’

Oddly enough, this key element of English and European Law also has its roots in the avoidance of oppressive treatment, and it, too, is often raised in relation to former Stalinist countries and the extensive secret police forces of ‘foreign’ countries. Clearly it is important that any defendant knows the identity of, can see in person, and is able to question, anyone giving evidence against him. This matter appears to be beyond question – not, however, to the judge in Jim Wright’s case.

After the defence counsel had laid out his stall, quoting the relevant precedents, he went further by pointing out that certain machine processes had become accepted as good evidence because they were regulated

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formulated by objective scientific rules and agreed as 'objective' by both the defence and the prosecution. Examples of these 'machine witnesses', which need not be presented in court 'in person', were the breathalyser test and the vehicle licence registration computer. The Internet, however, did not fall into this category; it was an ephemeral, unregulated ghost, which existed in cyberspace, and any material could be presented there without being clearly the responsibility of anyone, or even signed by anyone. What was more, things written on the net could be endlessly copied and reprinted without the authority of the person who was supposed originally to have framed the words. The point was also made that, while a person might reach compliance over certain products with the MHRA by taking the promotion of them off his or her own website, the historic vapour trail of previous, non-compliant statements might remain on the net for the rest of time. All these things made it difficult to rely on prints from the web as 'evidence' in the most exacting sense of the word.

While any first-year law student might have considered this a point worthy of serious discussion, the judge, inured in old age to the intelligence of such legal arguments, insisted that the matter should be left to the jury. If the prints from the internet site showed a clear link between Jim Wright and any claims for products, he said, then the jury would find against him, and if no links could be proved, the jury would find for him. By a process of mental chicanery, he completely missed the point that any link, strong or weak, was unstable, uncertain, not accounted for and could not be validated, unless a witness in person could be provided to give testimony to it.

I was frightened by the judge's avuncular and apparently common-sense approach to internet evidence. As with his judgment on abuse of process, it showed a complete lack of analytical or political thought. Twenty-two years after 1984, here was a man who was unwilling to think

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his way into a future where the state or other powerful forces might present disembodied evidence against ‘public enemies’ plucked from the internet.

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Part Three

Trials and Tribulations

Swansea, November 14: The Trial, Day One

During the days of the trial, it rained in Swansea, from the morning until the evening. The young woman working the scanner checking for metal weapons and dangerous devices spoke English words in a steely Welsh voice with such speed that no English person had a chance of understanding her. Perhaps she was nervous.

The judge, Keith Thomas, a life-time prosecutor, is a short, sulky-mouthed no-nonsense man, with a slightly reddened, small, round face. His usual posture, when listening to counsel, was leaning forward with his chin pressed heavily into his overlapping hands. Between, his wig and his hands, only his eyes and nose were visible. The bench swamped him; he looked like a man adrift in the sea, clinging to a huge raft of polished wood. Despite his posture and his small stature, his wig and silken gown together, and the fact that he was sitting above everyone, accorded him considerable authority. It is only when he stood to leave the bench that his audience could realise how short he was, and how he was led by his spherical tummy, which sticks out before him.

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Paul Addison, the prosecuting counsel, one of whose ancestors gave his name to Addison's disease, appeared to be confident and secure. In his mid-fifties, he is not a handsome man. His small, pinched mouth, almost chinless chin, and incipient dewlaps lend him a sullen, decidedly uncharismatic aspect. Addison was acting privately for the MHRA – or the Department of Works and Pensions, as the pharmaceutical-funded MHRA would have liked to have us believe. The case was not going through the Crown Prosecution Service, which means that when it comes down to it, Mr Addison, trusted counsel for the prosecution, was actually being hired with money from Big Pharma.

James Kirby, the defence counsel, is cut with a dash of the ex-actor that he is. His hair is silvery grey, and his features are very pronounced – large nose, wide mouth, big, white teeth. On his feet, however, he showed little of the actor's certainty. Embarking on one argument, then appearing to reconsider it and changing tack, he gave the impression of being involved in a quite pleasant, informal conversation. Unlike the judge, the prosecuting counsel, and, for that matter, most of the prosecution witnesses, Kirby was quite charismatic and presented himself to the jury as warm, friendly and unaffected by the alienating court procedures.

Of the total 12 charges brought against Jim Wright, ten related directly to products that the prosecution brought as exhibits to court, which had been seized during the second raid on Wright's house. At the start of the proceedings, Jim Wright pleaded guilty to the first charge on the indictment of selling one tub of vitamin B17. The last charge, count 12, involving a web promotion for one of the products, was dropped. The products were, in order of counts two to 11: Quick Heal Green, Omega UR Tonic, AL Heart Drops, Exeema, Temporal Tension, Mico Plus, Onconat Gel, Paraspezial, Medical Mushrooms and Supergreen.

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The prosecution's case was that these products, and therefore Mr Wright, made claims, either in their presentation (their labels or boxes) or through internet sites linked to Mr Wright, to be products with a medicinal use. The defence case was simply that Wright was not selling any of these products, all of which were found on his property in small quantities. One of their major arguments, which supported the fact that he was not selling the products, was that nearly all were past their sell-by dates. The defence also relied heavily on the idea that Mr Wright had not been contacted by the MHRA in relation to any of the products brought to court, to discuss whether or not they had been determined as medicines and whether or not he was allowed to sell them.

On the morning of November 14, 2006, the first day of the trial, the defence decided to have another try at getting the majority of the charges stayed, or, in lay terms, 'thrown out'. The application this time was more considered than it had been three weeks ago. What James Kirby was now saying to the judge was that, underlying the case, were rules for compliance, adopted by the MHRA in March 2000, to mitigate what were considered unfair regulations imposed in 1994.

The regulation in question, referred to as 3A, puts considerable emphasis on compliance, a process whereby the MHRA makes contact with the person suspected of selling or distributing borderline products. From this contact grows the possibility of warning the subject, of giving them an opportunity to comply, and, in the event of their refusing, the issuing of a notice giving warning of prosecution.

In these circumstances, the prosecution occurs not only with non-compliance, but also with the determination that the product, having been analysed and categorised by the MHRA, is a medicine. The process is both a determining one, which categorises medicines, and one of prosecution

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which allows for consultation before compliance, and ensures that any eventual prosecution is founded after the fact that a product is a medicine and has or claims to have medicinal properties. One of the central strands of this new defence application was that if prosecutions were to proceed in the manner of this present case, then they proceeded before the fact of a product being determined as a medicine. Put simply, in Jim Wright's case, he was standing trial for selling products, *before* those products were determined as medicines, and therefore with committing an offence at a time when no such offence was described in law.

Defence counsel argued that, if a prosecution was to take place before the possibility of compliance had been offered, the accused having been charged following the finding of a product and before any determination had been made, then the defendant was being charged retrospectively.

Kirby argued that the process of compliance was the primary legal way of resolving questions of the definition of medicines held and promoted by individuals. And although this process might eventually end up in court, it could do so only after the product had been determined as a medicine and the product holder warned about prosecution. If the offence involved, he said, was 'non-compliance', this could, quite obviously be committed only after the defendant had been given the option to comply. The judge was hostile to this application from the very beginning, just as he had been hostile to all the other applications made by the defence.

According to the judge, who, in the early stages of the trial, might to any rational observer have appeared to be in collusion with the prosecution, to suggest that conciliation was the only path to prosecution was absurd. What, he argued, was the MHRA to do if the defendant kept changing the names of products? 'The Agency would be in an impossible position, forced to continuously play "catch up".' Of course this was not the case in

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this trial, nor had it been mentioned by anyone else involved, even the prosecution.

Kirby's answer was completely rational: 'Yes, if a manufacturer or a promoter of a product were to do this, the MHRA would have to abide by the proper regulatory process.' The judge, who clearly had not the faintest idea of the contemporary supplements and dietary products industry, and conceived of quacks operating in pubs and supermarket car parks, was having none of this, and suggested that such a regulatory process would be a complete 'free for all'.

This, however, was only the start of Judge Thomas's absurdities. Better ones were to follow. It was, he said, quite wrong to suggest that the MHRA was the only body that might describe as or decide what was a medicine. A medicine could be automatically described as such if its producers or distributors bestowed claims on it. This idea that the defendant could determine what was and what was not a medicine was perhaps one of the judge's most novel ideas. Were this argument to be heard and heeded by supplement producers, all they had to do to avoid prosecution was to state firmly on the label of any product, 'This is not a medicine'. Now, that *would* be a free-for-all!

Furthermore, the judge speculated, there was another quite legitimate way of proceeding to prosecute someone who sold, distributed, manufactured or advertised medicines, which were not medicines: that was to proceed immediately to court, without compliance discussion or any decision as to whether or not the product in question was a medicine. This is an odd kind of prosecution, known previously only in totalitarian regimes. In this, the law is made on the hoof and finalised in the court by the judge, who allows the matter of what is a medicine to be decided by the jury, any time after the defendant has been found holding the product

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The judge rejected the application to stay 11 of the charges, and allowed the prosecution to proceed. The most serious repercussions of this decision came at the finish of the first day, when the first prosecution witness reached the end of his evidence.

The witness was Hatchwell, the MHRA's senior investigator, who had been in the London Metropolitan police service for 34 years, and then worked for the MCA and the MHRA for eight. A pugnacious-looking man with double chin, glasses, his remaining hair close-cropped around his bullet head, Hatchwell answered questions with a minimum of expression, almost automatically, in a certain but stilted voice. He behaved exactly as you would expect a long-serving Metropolitan police officer to behave, who thinks that defendants of any kind are lower than a snake's belly.

The first hour of Hatchwell's evidence involved going through each of the charges and then presenting the relevant products as exhibits. A more sloppy presentation of evidence it would have been hard to witness. Exhibits were wrongly labelled, a surprising number were missing, and some bottles irreparably broken were represented only by photographs. Spelling mistakes abounded, and products were misplaced on the search site diagram.

During the cross-examination, when Hatchwell behaved with belligerent, bull-necked ignorance, a number of issues were raised. The defence, for example, asked about the first raid, questioning Hatchwell about the process by which prosecutions are brought within the MHRA. In reply, Hatchwell denied all knowledge of prosecution processes. Finally, Hatchwell was asked to explain a supposedly incriminating web page, apparently downloaded in 2005. It was from a cache, the defence suggested, actually downloaded in 2003, and only printed out in 2005.

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Although Hatchwell claimed to have printed out the page from the internet himself, he denied any knowledge of its date, and refused to answer the question put to him by the defence as to why he had not ‘clicked here’ for the updated 2005 page. The defence pushed further, asking Hatchwell to explain the file title at the bottom of the print-out. This clearly showed that the web page came from an A: drive, a floppy disk. Kirby suggested that the page had been copied and then stored on a floppy disk or on a hard disk in 2003, and then printed out in 2005. The judge rose to Hatchwell’s defence, leading him to agree that he knew little about the internet or computers, even though he was a witness presenting evidence of internet sites for a government agency in a serious trial.

At 15.30, it was suggested that the jury go home while the prosecution raised some issues with the judge. The two serious matters that Addison wished to raise were, first, that the defence had brought up the matter of the first raid and Addison failed to see the relevance of this. This was said as if there had been some agreement between the defence and prosecution not to mention the three-year, two-raid wait.

Perhaps more importantly, Addison raised the matter of Kirby bringing into his cross-examination the matter of compliance negotiation, and it was then that the court understood for the first time what Judge Thomas had meant when he said that compliance procedures were not the issue in this trial. Addison addressed the judge in this fashion: ‘I thought that we had agreed that the defence would not go down this road’, as if, by having ruled out the defence application earlier in the day, the matter could no longer be brought up or even referred to. Entwined with this matter was, of course, that of *determination* of when a product becomes a medicine – ‘after a ruling by the MHRA’, would say the defence, ‘Oh, any time anyone makes a medical claim’, would say the prosecution.

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The scene was set on Wednesday November 15 for the defence to make one last application, which tried to gain the judge's permission to pursue any worthwhile defence for Jim Wright.

Day Two

The day began for me with a long phone conversation with Rob Verkerk of the Alliance for Natural Health (ANH). Although Verkerk has handled a large number of compliance cases brought by the MHRA, he had never heard of a case where the Agency went straight to prosecution. We wanted to call Verkerk as an expert witness who would give testimony to the fact that the MHRA is guided by procedural rules, which involve compliance. However, Judge Thomas had by now so convinced himself that the Agency did not have to follow any compliance procedure, that he had all but banned any reference to these procedures.

I travelled to the court as usual with Jim. On arrival, he parked his car in a road in which the parking signs were still being painted on the road. The chalk marks that had sketched out the lettering in Welsh and English were still sharp around the thick white letters. On the side of the road we had parked, the lettering had not yet been painted; there were large boxes made up of dashes, but no instructions for parking. On the other side of the road, everything had been finished, warning car owners that these spaces were for resident permit-holders only. I commented to Jim that they may paint in the parking rules later that day. 'Yes,' Jim said, 'I park there this morning, they paint the rules in the afternoon, and tomorrow they charge me with illegal parking – just like my case!'

The court sat at 10.00 in order that the defence could address the issue,

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medicine. James Kirby would want, later in the day, to broach the issue with Mrs Taylor, the next prosecution witness, who, after all, was a classifier in the Borderline Products department of the MHRA. He would obviously need to ask, ‘Did you determine these products as medicines? And can you tell us about the process you used? How was it, and on what grounds, that you determined this product as a medicine? Where did you go from there? Was a provisional determination notice sent out, and was compliance procedure initiated?’

By ten minutes past ten o’clock, this submission had also been waved aside by Thomas. ‘This is where we left off yesterday,’ he said. ‘I will not allow Mrs Taylor to discuss determination.’ Each time the matter was brought up, the judge adopted a look of bored disdain, as if the strain of having to repeat himself was immense. ‘I thought we had established that they [the MHRA] went down another route in this case.’ The fact this ‘other route’ did not appear to coincide with the law seemed irrelevant.

Every time the judge took this tack, I was amazed. Even if we understand there to be a variety of routes by which a product can be determined as a medicine – which there are not – how could it possibly be correct to ban the defence from enquiring why the MHRA took this course rather than another? At the end of the day, this is perhaps the most frustrating thing about a court case: as in a dysfunctional marriage, you are stuck with the annoying prejudices and personal habits of someone who is shaping your life. Apart from throwing his wig on the floor and refusing to take part, there is little the defence counsel can do.

James Kirby raised two questions in relation to two of the products, which the prosecution cannot link to any websites, and which make no claims on their labels. The judge handed out the two rulings, which he made the day before, in response to Kirby’s submissions, and then rose for five

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minutes to give the defence a chance to read these. As with everything in court, however, things took a little longer.

The tall but juvenile-looking judge's usher hovered between the court and the judge's door. 'I think they are going to be a bit longer,' he said, playing with the electronic identity card that hung round his neck, like a nervous schoolboy. 'I think I'll make the judge a cup of coffee, he hasn't had one this morning,' he spoke as if he was genuinely concerned about the judge's health, like an ancient retainer or an elderly nanny.

When the court sat again, Kirby, determined to get to the bottom of the matter of the computer print-out, asked that Hatchwell, the first prosecution witness of the previous day, be brought back into court. The defence's contention remained that this piece of evidence was an archive page from a cache representing the position in 2003 and not in 2005 – the time it was printed out. Hatchwell, while denying any particular proclivity for operating computers, maintained that, in 2005, he went straight to the website concerned and got the latest print of the page.

As soon as he arrived in the witness box, Hatchwell presented two exhibits to the court, which he has retrieved from the store in Pontardawe, where he had suggested yesterday that some of the exhibits had ended up. Kirby asked him first about sales invoices seized in the second raid. All of these show that, as far as AS Drops are concerned, none is recorded as being sold after the end of 2003. Hatchwell reluctantly admitted that they took all of the records from the 'shed' and the 'back bedroom' – which is MHRA 'quackspeak' for Jim Wright's office. Hatchwell, presenting a case against a corporate executive whose corporation offices were in a converted condom factory, would of course refer to the executive's office as the 'condom factory'.

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Hatchwell entered the court full of bluster, straight from a morale-boosting talk with his corner. He would make a terrible poker player; he displayed all the eagerness of a small boy to present his new information. Kirby had put together a few pages to illustrate how the page address of 'A: - ' designated the file as having come from a floppy disk on which it had been stored. Hatchwell, however, even in the face of irrefutable evidence to the contrary, maintained that the page was printed out from a website search and not from a floppy disk. When Kirby pressed Hatchwell on this, Hatchwell sank to a series of low growls: 'I can tell you now, I didn't take it off a floppy disk.' Pressed further on how he could show that it had not come from a floppy disk, he barked, 'You can take my word for it.' A more unlikely event it was difficult to envisage.

A strategy hatched by the prosecution team well before the court sat, now became clear. Asked where he was sitting at his computer when he retrieved this information, he replied, 'In the offices of BBC Wales.' The prosecution was making its first attempt to bring in the BBC Wales programme *Week In Week Out*, which had set Jim Wright up, presenting him as a quack, and which was surely made in cooperation with the MHRA. The strategy failed miserably, as Kirby refused to take the bait by asking why Hatchwell was in the offices of BBC Wales.

When as much information as possible had been retrieved from Hatchwell, it was the turn of the prosecution's second witness, Hatchwell's Senior Investigator colleague at the MHRA, Slater. Slater, is a little man with the looks of a hamster, and his evidence, repeating that of Hatchwell, was punctuated with quick glances, easy smiles and ruddy-cheeked bonhomie.

His evidence, as it turned out, was anyway little more than useless. Walking up to the witness box Hatchwell passed Slater his notebook. Kirby

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noticed this and asked Slater about it. ‘Yes,’ he said, ‘we have one notebook between us.’ We write a shared narrative, he implied, though didn’t say; after all how stupid would it have appeared? It made me wonder if they wrote alternate words or alternate sentences, or even if they held the pen jointly, each with one hand, even hand-over-hand, like artists Olly and Suzi. At least this way there was no chance of any kind of conflict in the evidence of the two witnesses!

After Slater, the MHRA brought on a senior analyst to give evidence about one of the products which contained lobelia. Unfortunately, the analyst had been asked to find out whether or not there was lobelia in the product, not how much lobelia it contained. As he made clear, he was asked to do a qualitative analysis and not a quantitative analysis. This was despite the fact that lobelia was clearly stated as one of the ingredients on the products label. Kirby made the point that European legislation defines the amount of lobelia that might be in a product, before that product becomes a prescription medicine or is banned. The analyst couldn’t help the case either for the defence or for the prosecution.

The Determinist

The next witness introduced to the court as Mrs Caroline Taylor was the classifier in the Borderline Products Section of the MHRA. It was Mrs Taylor whom Kirby had wished to quiz about the determination of medicines. Much attention was paid by the court to the fact that Mrs Taylor was hard of hearing, and from the beginning of her evidence, she was given much sympathy. She turned out to be extremely nervous, objects falling from the rim of the witness box as if by the influence of magic.

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The extended introduction by Mr Addison perhaps took the focus away from Mrs Taylor's name. It would turn out the following day that the prosecution had actually introduced their witness Mrs Taylor to the court under a name other than that on her statement – with far-reaching implications for the defence.

Taylor described her work as looking at products and taking the necessary regulatory actions. Just in case Mrs Taylor was about to disclose anything about the products and whether or not they were medicines, Addison gently warned her that it was up to the jury to determine what was a medicine. Seemingly, Mrs Taylor was being paid a salary for something better done by jury members; perhaps, following the case, they too should be employed by the MHRA.

There then ensued two hours of mind-numbing evidence. Addison went through each charge on the indictment. He got the witness to look at the products, to confirm in each case what was reported on the label, then to take the prosecution through the steps that were taken by Mrs Taylor to link the product via internet searches to either Mr Wright specifically or any claims made about the products. If the prosecution arrived at a site where there was information about the product, regardless of whether it was issued by Wright, Addison then read out, sometimes at length, this information. Early in taking Taylor through her evidence, Addison adopted a humorously sarcastic approach and tried to draw her in, asking the witness, for example, if she knew what an *escharotic* might be. When the witness shook her head, Addison added his learned ignorance with the words, 'Neither do I.'⁵¹

⁵¹ Escharotic: A caustic substance that causes a chemical reaction with tissue. The reaction is usually attended by heat, itching, burning and results in the destruction of the reactive tissue. These treatments, along with surgery, have been the primary methods of treating cancer for the past 2,500 years. [Cancer Salves: A botanical approach to treatment. Ingrid

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Perhaps the worst example of Addison's sarcasm was the rather pathetic admission that he didn't know what *hydrogen peroxide* was.⁵² He joked to the witness and the judge that he 'thought it was a woman's hair treatment', and when neither of them laughed or smiled, Addison repeated the remark in the direction of the jury. Without bothering to rise, Kirby made the angry aside, 'This has nothing to do with the case.'

A number of themes cropped up while Mrs Taylor was giving evidence, which were to prove relevant to both the defence and the prosecution. Perhaps the most important of these threads was the one that the defence had already questioned with its application in November. Although the prosecution was attempting to link the products to websites and hence to Mr Wright himself, or to his website, this form of evidence was unstable. It was impossible to rely upon the evidential authority of any claims made on any websites, to date any information clearly or to know the history of that information.

The second theme was to do with four counts on the indictment involving products from Alpha Omega Labs. Following the arrest in North America of Greg Caton in September 2003, the closure of Alpha Omega Labs and the sealing of all premises by the FDA, the A-O site advertised clearly that no products were available from the site. Throughout the trial, the prosecution pursued the idea that these products had been acquired by Mr Wright a long time after the first raid in May 2003, and in fact near to the 2005 raid.

The prosecution needed to show this, because it was, to their minds, proof that Mr Wright had indeed been flouting the law – still trading in

⁵² Hydrogen Peroxide is used as an antiseptic agent all over the world and is sold over the counter in most European countries. It is manufactured by leading health care companies and is said to destroy bacteria in the mouth or in wounds when applied directly. In the past

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these products – up until 2005. Their whole argument was anyway misplaced, because, even though Wright had sold these products prior to the first raid, to the bogus journalist from BBC Wales, he had received no word from the MCA about the products being proscribed. In order to prove their point, however, that Wright had been regularly selling the products for over two years, the prosecution had to refute the instruction on the A-O website that no products were available.

This refutation led Addison to continually insist that ‘of course we do not know whether or not products were really unavailable’, slyly hinting perhaps that there was a whole underground distribution system with limitless stocks. Mrs Taylor, in her web page evidence, had enabled the prosecution with this absurd claim by not presenting the pages from the A-O site, which stated clearly that the labs had closed down and no products were available. The idea that the MHRA did not have contact with the FDA and knew nothing about the impounding of all the stock of Alpha Omega Labs, together with the trial and imprisonment of Greg Caton, was a calculated evasion by the prosecution.⁵³

In fact, this whole contention was in reality a moot point, introduced only to make Jim Wright appear still more a criminal. It was actually irrelevant *when* Mr Wright came by these products for two reasons. First, the products were not in any manner proscribed by any agency. The MHRA had not discussed compliance in relation to these products, nor had it issued any notices about them, or put them on their lists of ‘banned’ products or proscribed medicines. However, it was the blatantly contradictory approach to web evidence that would have struck any honest observer present in court. While the prosecution would swear to the face value of any claim made on an internet site linked to Mr Wright, they would argue black was

⁵³ The annual report of the MHRA makes consistent use of the working links between the

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white to the contrary when it came to the assertion on the Alpha Omega site that products were no longer available.

The other repetitive theme was Addison's whinging determination to get evidence of medicinal definitions in by the back door. He attempted this a last time, just before the end of the prosecution case. Addressing Mrs Taylor about Supergreen, described on the product label as a dietary supplement, which was Count 11 on the indictment, Addison again tried to get Taylor to commit herself to a definition of *medicines*. The judge and defence both weighed in to stop him. Addison asked for the jury to be sent out, and launched a serious submission to make available evidence on determination. At least the judge was consistent and quite scathing about this request, while Addison became red and heated as he tried to splutter his way out of the pit which had become 'determination'.

Mrs Taylor was not, of course, able to speak about the determination as a medicine on any of these products. It was easy to see, with this particular witness, why the prosecution and the judge had been at such pains to go down a 'jury' rather than a 'compliance' route. Had the defence not been hampered from cross-examining the witness on determination, the jury might have found that the searches and following enquiries by the MHRA had not actually resulted in the determination that any of the products in the possession of Mr Wright were prescription-only medicines. In fact, the case for the prosecution was essentially that Wright was selling quack remedies, which were of no health value at all. While the case for the defence was that he was selling mainly herbal and vegetable supplements, which might or might not (and this was still to be determined) have a beneficial effect on health.

Halfway through Mrs Taylor's evidence, when discussing a product from Raintree Nutrition – a multi-herbal preparation of Amazonian plants –

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Addison tried again to slip under his own strategy of not addressing the determination of ‘medicinal’. He began by asking Mrs Taylor what she had meant by the mention of ‘medicinal herbs’ in her statement. The proceedings were stopped immediately, and the jury sent out. Not for the first time, the judge showed that he was prepared to apply even-handedly his mistaken rulings about determination. He very curtly asked Addison why he would want to ask a witness about medical determination halfway through her evidence, and all but ignored Addison’s rather low-key explanation.

The defence counsel did, however, have a stab at this leading question. In his short cross-examination of Mrs Taylor, Kirby observed that she appeared nervous, and asked whether or not she normally gave evidence about borderline products in court. Finding that she did not, Kirby then established that there had been no complaint from the public in this case. Unfortunately, because the judge had decided not to allow any exchanges about compliance, Kirby was unable to question her fully about her work at the MHRA. It would transpire the next day, while Jim Wright was giving his evidence, that all the compliance discussions which he had been involved in, on the phone, with the MHRA, had actually been with Mrs Taylor, before she was married, and while she was using her maiden name. It is hard to see, had the defence known this, how the judge could have stopped the defence cross examining her on this compliance procedure. Could this be why the prosecution introduced her to the court under her new married name? I wonder!

The presentation of the prosecution witness evidence ended before the lunchtime adjournment. When the court resumed sitting at 14.15, James Kirby brought up the matter of that day’s *South Wales Evening Post*, the headline to which ran ‘Cancer Drug “False Hope”’. Had there not been a large picture of Jim Wright looking furtive in a suit, the average reader might have been forgiven for thinking that the headline referred to the latest

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fiasco of one of the major drug companies. The accompanying article, which covered almost two pages inside the paper, concentrated on only one aspect of the case: Mr Wright as a quack.

Kirby requested of the judge that he should warn the jury again about making judgements on any information that came from outside the court and the evidence presented there. The judge made the normal, considered remarks about journalists being selective and having different interests from those of the court. Despite these remarks, however, the influence of the media has increasingly become an issue in these cases, especially when they are heard in the provinces. There, the local hacks are familiar with the court staff and the prosecution counsel, and are given every assistance by the court as long as they report the prosecution side of the case.

By the time the case was over, various stories would be posted on the internet, made up of information culled from, or simply regurgitating the local newspapers. Such stories are usually written immediately after the prosecution has presented its case, and rarely include defence arguments. While they appear to reiterate what the prosecution has said, they are actually embellished to make the kind of point that the prosecution would make were it not in court. One internet item was billed: 'Businessman on trial for distributing "cancer medicines" from garden shed.' The article continued, 'Opening the prosecution case, barrister Paul Addison said: "He was promising that if you took those drops they would make you better if you suffered from cancer."⁵⁴ Though this lamentable intro did quote the defence case, it did so only to make fun of it: 'Cancer-cure barrister says even Shreddies makes health ...' The word 'claims' was inadvertently

⁵⁴ www.tmcnet.com/.../-businessman-trial-distributing-cancer-medicines-from-garden-

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omitted. ‘But Paul Addison, prosecuting, told the jury, "The defendant was not selling Shreddies.’”⁵⁵

At the close of the prosecution case at 15.55, count eight was dropped from the indictment because, following the evidence of Mrs Taylor about the indeterminate nature of the product, the prosecution agreed that it could not ask the jury to come to any conclusions about it. What text there was on the small bottles was in German, and there was no reference to the product on any website.

Day Three

The court sat at 10.30 on another rainy morning. It was Thursday and, during the day and the following morning, there would be much talk about scheduling and whether or not the jury could retire and return verdicts before the weekend.

Just before they sat, Kirby handed Addison two letters, which the defence had received from website owners. Both stated that Jim Wright was not consulted about the wording of material on the sites, and that offending pages had been taken down as soon as he contacted them. Unfortunately, these letters were sent by email, and neither was signed or dated. The defence solicitors should have organised these matters for the defendant. Instead, the trial went ahead ‘on the hoof’, so to speak, with Wright’s case tending to develop in response to the prosecution.

Regardless of the fact that Addison had put tens of unattributed web pages into the prosecution evidence, he balked at the two letters, blowing

⁵⁵ icwales.icnetwork.co.uk/0100news/0200wales/ tm headline=cancer-cure-barrister-says-

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and smirking, holding his hands up like some third-rate operetta actor. While James Kirby was from the beginning accommodating and placid, Addison always went through this pantomime of belligerence.⁵⁶ The judge went out again while Addison reviewed the letters. At 10.50 the judge came back in and Addison made it clear that he would not accept them, because just like his web page evidence they were not attributed.

The judge recapped on two things that were decided at the end of the hearing the day previously. Count eight had been thrown out, and count 12, concerning a web-page promotion, was changed, following a discussion about when the web page – the one that, Hatchwell says, he took down from the internet in 2005 – came into existence. This change was deleterious to the defence. Rather than ‘around May 2005’, the count now read, ‘between 29 January 2003 and the 19th day of May 2005’, so giving immense latitude to the prosecution. The defence had argued consistently, that if this page was put up in 2003, and taken down as soon as Wright saw it, this illustrates the dangerous nature of web-page evidence. The prosecution have given evidential validity to the web page, regardless of whether or not it was taken down, and the court has agreed with the prosecution that the page existed in ‘real’ form in 2005. All of this gift to the prosecution was utterly damaging to the defence, despite the fact that Kirby had reasonably shown, during his cross-examination of Hatchwell, that it was not known if the page was there in 2005.

⁵⁶ This imperious tone obviously runs in the blood of some jurists. On one occasion I saw Addison heading for the door out of the court room. The door had just been opened from the outside by an unshaven public gallery attendee in a parka. As the young man passed through the door he moved to the side in order to hold the door open for Addison, into whose path he momentarily stepped. Without further ado, Addison proclaimed in a loud and somewhat angry voice, ‘Excuse me, I want to ...’. He stopped and said ‘Oh,’ when he realised too late that the door had been held open for him. I only make this comment, because I think it must be stressed that courts generally and their officers do not hold exemplary powers by virtue of their own person, but because they are given them in trust

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The Defence Case

Jim Wright was the only defence witness, and he began his evidence at 11.00. One of the first things James Kirby tried to establish through Wright's evidence was the fact that, on previous occasions, Wright had been contacted by the MHRA and compliance procedures have been initiated. He took Wright through his evidence about the 'discussions' that Caroline Beaumont (aka Taylor, as we were shortly to discover) had with him very early in his business, about removing certain matters from his site. Wright had complied with all of Beaumont's requests.

Kirby introduced an email from the MHRA, which asked Wright for compliance in relation to a promotion on his website, with regard to Hulda Clark's Zapper.⁵⁷ Wright was acting as an agent for Zappers Until the second raid on his premises, however, when the MHRA wrote to him about them, he immediately took them off his site. It was to this exchange that Kirby was here referring.

Addison made his usual interruptions, asking that he be given time to read the email exchange before it is given to the jury. The jury was sent out, and the judge left, while Addison sat at the table, his brow furrowed with concern, and with his trademark pout, his lips just meeting, as if he were wrestling with one of Wittgenstein's most important statements. After reading the email exchange, Addison left the room to confer with his colleagues from the MHRA.

⁵⁷ Dr Hulda Clark has been the subject of a more or less continuous series of court cases in North America, where she has been treating cancer sufferers and others with a clinical regime that attacks parasites, which she says are usually responsible for illness. One of her ways of dispensing with parasites is by use of the 'Zapper', a machine based on Royal

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When Addison returned after consulting with his MHRA clients, he said boldly that he might have to bring the witness back to rebut the evidence that Mr Wright was giving. He said, 'None of the information so far is agreed by the MHRA, none of it coincides with the truth, and none of it has been asked of the MHRA witness Mrs Taylor, who was in fact Ms Beaumont.' Kirby looked askance at Addison, as it became apparent that Mrs Taylor and Ms Beaumont were one and the same. 'We would have liked to have been told that the name of the witness had been changed,' said Kirby.

Addison told the judge that, while he didn't really oppose the production of these documents, he couldn't agree as to what they referred. Apart from the fact that this is, anyway, in the nature of evidence, there was a good reason why Addison wanted to distance the prosecution from any previous relations between the MCA/MHRA and the defendant. Having steered the trial off the subject of compliance procedures, Addison did not want it known that they have used them successfully with Wright on other occasions, especially quite recently.

The issue was, however, more important than a simple change of name. Quite obviously, it is the prosecution's task to introduce a prosecution witness under oath to the court. This is always done by getting the witness to state their name and occupation, sometimes their age. The prosecution had got through Caroline Taylor's two-hour evidence the day before, censoring any previous discussions between the defendant and the MHRA about compliance, when the woman in the witness box had actually conducted earlier compliance discussions with Wright. Ms Beaumont's evidence on this would have validated the defence case.

When Addison agreed to let in the email about the successful negotiation of the compliance procedure, he said as another aside to the

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defence counsel, almost unheard by the court, ‘But this might introduce matters which the defence will not be happy with.’ He was obviously referring to the matter of Wright selling Hulda Clark’s ‘cure for cancer’. He left the statement hanging, as if he believed that he was giving the defence fair warning.

Kirby next took Wright through all the charges, referring to the products, and asked if he had any of the products on his website, and whether or not he intended to sell them. Wright answered in the negative to all these questions. Kirby took him through all the matters concerning Alpha Omega Labs, his site’s disclaimer and the fact that he was not in any sense well off as a consequence of his distributing herbs and supplements. Finally, Wright confirmed that he had not ‘issued’ the advertisement that was the subject of count 12, and that as soon as he saw it, he had had it taken down.

Just before he sat down, Kirby introduced a packet of whole-grain cereal from Nestlé. He quoted from the health claims made by a doctor for whole-grain cereal on the back of the packet, and he read out all the supplements that had been added to the product. When all was said and done, the example amounted to a far more serious breach of the law than two-thirds of the charges levelled against Jim Wright. Yes, indeed, even Shreddies make health claims!

Addison’s Cross Examination of Jim Wright

A trial is like a river with a calm surface, stirred beneath by strong undercurrents, which might drag the body of the defendant in one direction or another. Mr Addison’s prosecution cross-examination of Jim Wright was not so much a cross- examination as a character assassination. The opening

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have been better placed in his opening remarks or his closing speech. This was law at its down and dirtiest, and Addison's posturing as a civilised, etiquette-bound lawyer slipped like a robe from his shoulders to show him as a flabby, bare-chested street fighter.

He began by trying to undermine Wright's claim to any kind of religious lifestyle. Introducing new meaning to the word, Addison asked Wright if his was a 'normal' church. Oddly enough, Jim's community-based, non-denominational gathering had ended up in a 'proper' church building that, yes, did have a spire. Addison then went on to insinuate that Wright's involvement in the church was a posture, a cynical exercise to make him look good. From the beginning, Wright was spirited in his defence: 'You don't have to worship in church to be a Christian,' he asserted at one point.

If James Kirby had wondered why the prosecution had given him two massive ring binders of evidence relating to the first raid in 2003 and the *Day In Day Out* BBC Wales television programme, he was to find out with Addison's next set of questions. Moving away from the church, he slowly introduced the subjects of Wright's website and his selling of products. 'And would you say that you do most of your selling over the internet, or do you sell to people face to face, as it were?' It was clear that Jim was already being careful and had sensed what was coming, 'Yes, I would say that I do 99 per cent of my selling over the internet.' 'You don't sell any products to individuals?' Wright went on the attack: 'Only once, when I was set up by BBC Wales.' Addison grabbed the opening: 'You are referring to the BBC Wales programme; perhaps we should look at that?' James Kirby immediately intervened and the jury was sent out.⁵⁸

⁵⁸ The rule in English law is that cross-examination has originally to be kept within the confines of the evidence in chief given by the witness. However, if counsel can obtain from the witness any new information, this can be explored. This way of 'coming upon' evidence

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Addison addressed the judge, using a patronising tone of incredulity, like a small boy telling on a schoolmate, ‘Mr Wright introduced the subject, your honour. I just wanted to set the record straight. I didn’t want the jury to get the impression given by Mr Wright that he had been badly dealt with by the programme.’ The judge, however, was not as easily led by Mr Addison, and told him, ‘You *invited* the line of enquiry, Mr Addison.’

Addison had the gall to argue the point: ‘No, I don’t know how he conducts his business, and I was just trying to find out. He said that he did 99 per cent of his work on the internet.’ The judge, however, had drawn his line in the sand, and was clearly not prepared to let Addison introduce at this late stage in the trial, the BBC programme and the earlier raid. Of course, Addison must have known that he wouldn’t get away with this – after all, to introduce the television programme would have entailed bringing witnesses from the BBC, and questioning again the witnesses from the MHRA, which had actually taken part, behind the scenes, in the making of the programme.

Having failed on this tack, Addison moved on to build on the introduction of another piece of new evidence, that of the Hulda Clark Zapper. Although this was not a part of the indictment, the defence had introduced it when they referred to Wright’s agreement with the compliance procedure.

Again, Addison concentrated on the anti-cancer therapy message that related to the Zapper. Jim tried his best not to get involved in this by maintaining that the Zapper was used for attacking parasites common to

reason was not included in the witnesses Evidence-in-Chief, and enables counsel to actually comment at some point on the fact that evidence was left out of the witness’s Evidence-in-Chief. It is also the case, of course, that the witness has not been through this evidence with their counsel prior to giving evidence, so it becomes fertile ground for the

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many illnesses. Unfortunately, he was unable to steer the exchange round to describing the pharmaceutical company motivation for attacking Hulda Clark, or to reveal that Hulda Clark had succeeded in winning recent court cases in North America aimed at shutting her down.

Addison returned to Wright's *Goodbye to Cancer* site and the books advertised there. He took a long time dwelling on the name of the site, trying to get Wright to admit that the site title meant, 'Look at the information on this site and you can get rid of your cancer.' Although there is an argument that Wright was alluding to cancer in a generic and historical sense, he didn't say that, simply maintaining that it just seemed like a good title. Addison kept on the same tack, suggesting that the books and the products advertised on the site, all led vulnerable individuals to think that the owners of the site have knowledge of secret treatments, which orthodox medicine is suppressing.

Addison went into the lunch break pushing this theme that Wright was a crook who exploited vulnerable people. Before the break, he laboured the point that Wright, by selling the one tub of B17 which he had sent to the MHRA agent, had chosen to ignore the fact that it had caused 20 deaths worldwide. He eventually got Wright to admit that he didn't set much store by this unreferenced quote, which had originally appeared in the letter sent to him by the MHRA after he had negotiated not to sell B17.⁵⁹

The first question of the afternoon from Addison was again about B17, 'Can we finish this off?' he said. 'You took B17 off your website?'

'Yes.'

'You took it down because you knew it was dangerous?'

⁵⁹ The 20 deaths quoted by the MHRA, were not referenced and were perfectly in line with other information about alternatives given out by similar organisations. These claims of deadly effects bedevil anyone who deals in alternative remedies yet, very rarely are they

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‘No, I took it down because I knew it was dangerous to sell it.’ This was a very intelligent and quick-witted response from Wright, which summed up so much at the heart of the case.

I laughed lightly at this play on words, at which point, the judge’s usher, sitting in front of me, turned and thrust out his arm violently, identifying me with his pointing finger and saying venomously, ‘Shut up!’ This was the third time that he had done this to me, and I was coming to the conclusion that he had some kind of behavioural disorder. I later thought that I might make a formal complaint against him, for what amounted in my mind to a mild form of assault. This authority assumed by the usher is just one more in the long line of factors that have dehumanised British courts. The ‘public’ is now considered a hindrance to justice and a threat to the security of the court. Of course, there are no reasons, rules or regulations to stop people laughing at jokes made by anyone in court, be they by defendant or judge, or even the inordinately unfunny Mr Addison.

Having sorted out the matter of B17 and made even Wright’s guilty plea appear a profoundly immoral act, Addison began to go through all the products and each of the counts. During this exercise, he deployed one of his central tactics, which was to pretend that, since the first raid, in May 2003, Wright’s ‘dodgy dealings’ had escalated. In other words, everything Wright had done since then, any products that he had accumulated, made him more guilty than he was at the time of the first raid.

In fact, the contrary was true. Wright had attended a meeting with the MCA, as it was then, after the first raid and agreed to a number of changes of his website. At no time, however, were any legal issues mentioned with respect to any of the products found on his premises. Neither the television programme, nor the raid, precipitated a legal injunction that stopped him

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trading in such products as he could still afford to order after the confiscation of his valuable stocks.

Nevertheless, Addison confused the court and the jury into believing that Wright's continued trading after the first raid represented some kind of flouting of the law. So it was that, when Wright was pressed by Addison to agree that he bought products after the first raid, it appeared he must be guilty of something. As each product was brought up by Addison, Wright was asked what the expiry date was, when and how he had received it, and, finally, if it was a medical product. This latter usually meant Wright defending the product as purely herbal, or in the case of one product, as a cosmetic.

The number of pots or bottles of each product appeared small if Wright was, indeed, seriously determined to sell the line. In the event, he gave plausible explanations for all of the products, which he had either bought with the intention of selling, only to withdraw them when he saw the claims on the label, or which he had acquired for his own use, or had been sent as samples. In the context of the hundreds of other products that Wright was selling, of which he had considerable stocks, these assertions appeared reasonable.

Between or during the cross-examination on each product, Wright managed to produce strong and effective ripostes to Addison's determined assault on him as a quack and cruel charlatan. He managed to point out that Vioxx, licensed by the MHRA, had so far killed around 50,000. He commented on the ludicrous position that the judge had placed the court in, with his decision that it was the jury who would determine what was and what was not a medical product. He made it clear that he depended on the MHRA, as did hundreds of other people selling products, for the agency to determine through compliance procedures what was a medicine and what

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was not. Each time Wright brought up one of these matters, Addison put his head down to his notes and said, 'Yes, yes, we know where you are going with that, you've tried to take us there before', and pressed on to his next question.

Addison ended his cross-examination with Count 12, the matter of the website advertisement, which had originated with a company in Uruguay. He began this by returning to the matter of Jim's religious work suggesting that the blurb, which said that Jim Wright was 'a pastor of a church', was simply a lie to aid his 'sales pitch'; at that time he wasn't a pastor of any church. From his sitting position on the bench next to Addison, James Kirby said irritably that the text said he 'was' a pastor, that the statement was in the past tense. The judge told him forcefully to 'shut up'.

Finishing his cross-examination, Addison, said, 'You're not telling the truth about this, are you? As you are not telling the truth about many things.'

Readdressing Wright, James Kirby simply underlined the fact that the MHRA had at no time after 2003 asked Wright to stop selling any of the products included on the indictment, and that none of the products was on the MHRA prohibited list.

At the end of the short defence, observers might have assumed, if they believed Wright, that the jury would find him not guilty. The products in counts two-11 had not been described by the MHRA as medicinal; the MHRA had not introduced any compliance procedures in relation to them, and, according to Wright, the particular products were anyway not for sale.

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Closing Speeches

Addison's closing speech was another massacre of James Wright's reputation. He concentrated, as inevitably he would, on the complementary cancer treatments included in the products. In fact, only one of the products mentioned in the 12 charges was apparently involved with the alleviation of any condition which might accompany cancer, yet he implied that the whole case was about claims to cure cancer. He described Wright as 'a man of two faces', a liar and a hypocrite – on the one hand, a family man of God, and on the other, a heartless, cruel and dishonest man who played on the suffering of those with cancer. The charlatan that Wright was, said Addison, meant that he was always ready to turn a quick pound. Describing Wright in the classic terms of a 'quack', Addison suggested that people suffering from any serious illness will grasp at straws.

This was a man, Addison intoned, who, although he had come to an agreement with the MHRA and received a letter that outlined the dangers of vitamin B17, still sent out this dangerous drug, which he had been told had killed 20 people worldwide. Wright, the court was given to understand, was a man willing to endanger life in order to make a buck. The fact that Wright professed to a Christian background, and that he claimed to have been a pastor, was in fact all part of his 'con', part of his pitch. It was a way of getting the confidence of people and then exploiting them.⁶⁰

⁶⁰ In an odd turn of events, following the trial, the MHRA issued a press release, the headline of which suggested that Wright was 'a vicar'. As we know full well that the MHRA knew this was not true, we can only assume that even at this time, they were playing games, trying to continue putting their case against Wright by making him out to be an imposter; a criminal character out of an Ealing comedy. It is, of course, utterly

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Addison went on to look at Wright's *Goodbye to Cancer* website, on which he had dwelt so heavily in his cross-examination. Addison told the jury that the website and the books that Wright 'and his colleagues' advertised, such as *Still Dying to Know the Truth* by Philip Day, hinted that Wright knew something that cancer sufferers needed to know; something that had been kept secret from them. If, in fact, Wright has a treatment for cancer, why did he not apply for a licence like the pharmaceutical companies have to do?⁶¹

Addison then moved on to comment on the counts, still stressing the cancer aspect of the case, turning it, again, into the trial of a cancer quack. Moving on to Count 12, the advertisement for GS Drops put up on a site by the Uruguayan company, Addison pursued the line that he had taken from the beginning. Wright was saying that the honourable Mr Chevaz from Uruguay had placed this advert on the internet without Mr Wright's permission. This was pure calumny. No such thing had been said by anyone at any time. What Wright had said was that, although he had met with and talked to Mr Chavez, and although he had agreed to become an agent for the product, the promotion that went up on the website had contained statements with which he did not want to be associated. These statements would not provoke any consternation in South America, but would throw him to the legal wolves in Europe. Wright had always maintained that, as soon as he saw the text on the website, he had asked Chavez to take it down, which he had done.

Deviating from his script after commenting on Count 12, Addison picked up the Shreddies box that Kirby had used to illustrate the fact that

⁶¹ The fees of almost £100,000 per product, which the pharmaceutical companies pay the MHRA for reviewing paperwork and agreeing a licence, are what fund the MHRA. It has long been understood that this incredible fee charged by the MHRA, aside from the money which is necessary to carry out three phases of trials, including the useless ones on animals, is itself a major impediment to any individual or small company applying for a product

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countless medical claims are being made by ‘food’ companies, and ventured another of his puerile jokes. ‘I don’t know whether Mr Kirby is being sponsored by Shreddies,’ he said casting his eyes towards the jurors in the hope of picking up a smile or two. In fact, as with the joke about hydrogen peroxide, the court remained stony faced; humour really is not Mr Addison’s strong suit. Nevertheless, he continued maintaining that there was nothing on the Shreddies packet to suggest that they ‘changed bodily function’, and asserted with an absolutely casualness that the packet made no health claims. Why Addison bothered with this, when the jury had heard clearly that health claims were definitely made, must have been beyond most of the court. And for anyone who had grasped the fact that the MHRA was completely ‘sponsored’ by pharmaceutical companies, the ‘joke’ must have fallen terribly flat.

While discussing Count four, Addison introduced Wright’s site disclaimer. This, he said, was simply a way of avoiding liability, and, in its dishonesty, might say more about Mr Wright’s morality than anything else in the case.

For the Defence

Perhaps nothing was more predictable in the trial of Jim Wright than that the prosecuting counsel would interrupt the closing speech for the defence. To do this is to use tactics considered the lowest of the low, even by the most seedy of jurists. To interrupt the defence’s closing speech is to dam the flow of the argument, to signal to the jury that the defence counsel is behaving badly or trading in underhand statements or assertions. Nothing is more demonstrative of bad will and a desire to win at all costs.

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When James Kirby had finished telling the jury just how disreputable he felt was the almost wholly personal attack on Jim Wright mounted by the prosecution, and how this had little to do with the law, he moved on to his first point. This had always been that there are clear rules laid down for the prosecution of individuals selling products upon which no determination has yet been made as to their nature – ie, whether they are or are not medicines. The fact that this was the first plank of the defence case had not stopped the judge from determining that there was in fact another ‘go straight to jail’ option. Inevitably, because this was a main plank of the defence, and *the fact existed*, James Kirby was bound to make mention of it in his closing speech.

The tension in the court was palpable. Even as Kirby tiptoed into this area, suggesting to the jury that the prosecution was unnecessary and unfair, one sensed Addison timing his interruption. As Kirby got near the end of the point, Addison stood up and, again like an exasperated and petulant schoolboy, insisted to the judge that he could not see the relevance of James Kirby’s remarks. The jury was sent out. Addison made his complaint moodily, as if he had been terribly wronged. Kirby defended himself, suggesting that he was only telling the jury that the MHRA could have gone down another route, and had it done so, much time and money would have been saved.

The judge, to his credit, even though the point addressed his rulings throughout the trial, seemed unmoved by Mr Addison, and showed by his rather tired review of the point, that he would perhaps rather not have had him disturb the time-restricted flow of the hearing. When the jury returned, Kirby was allowed to continue making his point, as Addison sat staring at the bench in front of him, his mouth slightly open like an expiring fish. He spent the remainder of Kirby’s closing speech fiddling with his computer, nulling things from his briefcase and generally trying to disrupt the still air

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of the courtroom. It occurred to me that the judge's usher made no attempt to shut him up.

For the remainder, Kirby's speech was straightforward. Having picked up, at noon, where he had left off, after being so rudely interrupted, he went on to tell the jury that Mr Wright had been charged for selling medicines, which had not, in fact, been determined as medicines.

Having been set up by an agent of the MHRA, who bought vitamin B17 from him, he was then raided by the agency, who took away from his premises lots of products, which had not at that time been determined as medicines, and which anyway were not for sale.

Kirby made something of the long history of herbal medicine and the natural use of plants to treat ailments. He used the example of the dock leaf, which alleviates the sting of nettles, and suggested that, if you were to pass this on to someone, you could well be breaking the present law. He drew attention to the fact that, under the current definition of a medicine as a substance that affects the human physiology, water and all other natural substances were medicines. In fact, the pharmaceutical companies, it appeared, claimed to own the whole of the natural world.

Rather than go again through every count and every product, Kirby restricted himself to grouping the counts. The first five counts, he told the jury, involved products produced by the Alpha Omega Labs. These products had not been available since raids on the home of Greg Caton and his arrest by the FDA in September 2003. It was unlikely then that Wright would be selling these out-of-date products, but, anyway, he would have been unable to get any more of this stock over the past three years.⁶²

⁶² In order to fit their case, the prosecution had always insisted that the warning on the A-O

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After making a few more observations about the various products, Kirby talked to the jury about the jury system. ‘You hold in your hands,’ he said, ‘the fate of a good man’. He ended with the statement, ‘there is no evidence that this man intended to sell any of these products.’

The Judge Sums Up

The judge summed up between 12.15 and 13.00, and then again, after lunch, from 14.15 to 14.30, at which time the jury was sent out. With the exception of two minor points, and within the restrictions placed on the defence at the trial, the summing-up was impeccable, and the judge’s review of both the prosecution and the defence evidence was completely fair. Of course, having early on occluded any mention of compliance procedures, this fairness might be considered tardy.

The Verdict

Waiting for the jury to deliver its verdict is an ordeal. It is somehow irrelevant how many little bits of cod wisdom you recall – ‘a quick return means a guilty verdict’, ‘a longer return means there is more chance of a not guilty’ – the defendant is always on tenterhooks.

At 16.30, the time at which the judge had set for the end of the day’s deliberations, the jury sent out a note saying that they had reached a

longer any A-O products available, was probably just a ruse behind which sales went on as usual. This was a complete untruth, one which the MHRA knew it was telling. Inevitably they would have been in touch with the FDA and they would have known not only of the

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decision on three counts, but would take a considerably longer time to find on the others.

When the jury filed back in, the man chosen as the foreman, who had sat in the front row, with a carefully-clipped goatee, looking like an eminent North American doctor, pronounced the three findings. On count two, the jury found Mr Wright guilty, as they did on count three. The judge had already guided them on count eight, and upon this they needed no deliberation returning a not guilty verdict. After deliberation, they found Mr Wright Not Guilty on Count six.

Count two involved the product Quick Heal Green, which was produced by Alpha-Omega labs. This product had been bought between May 2003, when Wright had been raided for the first time, and September 2003, when Alpha Omega Labs had been definitely shut down by the FDA. There was no evidence that Wright had this product for sale, or that he had ever sold it, and it was, by the second raid in 2005, well past its sell-by date. Quick Heal Green was 'ozogenated' virgin olive oil – virgin olive oil to which ozone had been introduced, making it thick like Vaseline. The purpose of this ointment was to support the healing of skin lesions or scars. This product has never been determined as a medicine.

Count three involved another product of the Alpha Omega Labs, UR Tonic, a herbal product for 'upper respiratory support'. Again, this could only have been obtained by Mr Wright during the five months in 2003. It was well past its sell-by date and he held only a very limited quantity of it: three bottles. There was no evidence presented that he had ever sold any quantity of this product.

Count six involved a product called Temporal Tension, yet again produced by the AO Labs and sent as a free sample to Mr Wright in the five

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months between his first raid in 2003 and the raid on the A-O laboratories in September 2003. The product was for mental relaxation and clear thinking. It had never been defined as a medicine and there was no evidence that Mr Wright was intent on selling it.

Following these verdicts, the court was adjourned over the weekend, when the jury could continue its deliberations. I had my plane ticket booked and couldn't help but feel that, had Addison not made so many churlish interventions in the trial, it would all be over by now. In the event, I was to miss the second batch of verdicts brought in the following Monday.

It took almost a whole day for the jury to reach decisions on the remaining counts. Even then, after the judge had told them he would accept majority verdicts, they were unable to come to decisions on three of the counts, and in this event of a hung jury, these counts were left on file. The jury found Jim Wright not guilty on another two counts, bringing to seven the number on which he was found not guilty, or upon which there was no finding. They found him guilty on the remaining two counts, bringing to five the number of guilty verdicts, including the charge to which Wright had pleaded guilty. After all the verdicts had come in, the judge reserved sentencing until December 14, and asked for a probation report.

Following the theatricality of the trial, sentencing turned out to be a rather dull affair. Prosecution passions having been worked out in defining and exhibiting the quack as a model for public consumption, only mild disapproval was shown with the sentence. Jim Wright was fined £1,000 and ordered to carry out 100 hours' community service at a local charity shop while on probation.

Sentencing still, however, had to be disguised in small part as moral outrage. For the record, and particularly for the press, Judge Thomas intoned

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seriously about the moral dissolution of selling medicines. ‘Mr Wright stood to gain substantial amounts of money by taking advantage of vulnerable people,’ he said. Any knowledgeable or politically-inclined audience to this remark might have pondered the take-home pay of the prosecuting council or even the judge during their week’s work at the rock face. Mr Addison’s would have needed a wheelbarrow, to take away his £5,000 of drug company money, laundered through the Department for Work and Pensions, and the judge’s pockets would have bulged with around £6,000 in used notes. What the part-victory was worth to the pharmaceutical industry is anyone’s guess, but in terms of ‘quack-defining’ local newspaper headlines alone, the cost of hiring a PR company to obtain the same result would probably come to around £20,000. Meanwhile, fighting the good fight but lagging behind in terms of financial remuneration, the ‘public defence’ counsel, paid for by legal aid, James Kirby, would have earned around £3,000 for his week.

Sentencing

The jury’s verdicts in Jim’s case were, as often happens, perverse, including as they did, conflicting findings on essentially similar charges. Despite the fact that he would have very good grounds for appeal, the fortnight’s wait, after the trial, before sentencing, was excruciating for Jim and his family. Inevitably, they felt anxious and upset about the continuing burden of the case. They worried about the possibility of a weighty punishment. Sandra fretted about perhaps losing the house, while other family members agonised over the idea that Jim might go to prison. It says much for his character that, throughout all this, Jim remained stoical and managed to laugh about his predicament, taking the pressure out of the situation.

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The two weeks before sentencing and his meeting with the probation officer gave Jim plenty of occasion to reflect on his circumstances. The phone rang constantly over the days after the trial, with friends and acquaintances wishing him luck and pledging support. In the week following the verdicts, he made a Wednesday evening visit to the Pontardawe Acoustic Music Club, and to his real surprise was greeted with a round of applause from all the individualists present.

Jim knew that now his life would have to change, that he would have either to alter entirely the kind of product he was selling, or to change the nature of his work completely.

My only motive was then, as it is now, to help people. When I started, I had a visit from my local trading standards officer, who had probably seen my website. He found nothing wrong, and told me that, as long as I wasn't making any claims to cure cancer, everything was all right. My intention was to use this company to sell extracts, natural substances, vitamins and food supplements, to help people who were ill. I did not – and have never claimed to – have any knowledge of medicine, but I have read about and researched to the best of my ability the supplements and remedies that I sell. In some cases I used them myself.

And, in fact, it was a long time before I became seriously involved in trading in these products. After a while I got in contact with Greg Caton, and around 2002, I began selling the products of Alpha Omega Labs. I saw the evidence that he put on his site, and the testimony from patients. I contacted him and found him to be a very sincere person who always sold his products as cheaply as possible.

I never felt that the products were not safe. I knew that there were no long-term, adverse side-effects brought on by vitamin B17. I had no reservation about quality; the B17 was manufactured by a pharmaceutical company. Of course, I have had concerns about efficacy, especially of B17. Sometimes it doesn't work for people, and sometimes it has miraculous effects.⁶³ That's why I would much prefer B17 to be allowed

⁶³ In December 2003, at a scientific meeting in London, Allen Roses, worldwide vice-president of genetics at UK GlaxoSmithKline, publicly stated that the vast majority of drugs – more than 90 per cent, indeed – work in only 30 or 50 per cent of the people they're prescribed for. Richard Ley, speaking for the British pharmaceutical industry, commented, 'It's not really news to anyone that not all medicines work in all the people all of the time.'

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into the country and to be tested and controlled by independent people. However, most pharmaceutical companies readily admit that most pharmaceuticals only work for some of the people, some of the time, however rigorously they have been tested.

I had a great many letters from people who said that they had got better after taking natural cancer treatments, but these were stolen by the enforcement officers from the MHRA when they was raided me on the second occasion.

I would like to make just two points. Firstly, I consider that the MHRA is attempting to close down my business. This is not, as they suggest, in the public interest to stop me from preying on vulnerable sufferers of illness, but simply at the behest of the pharmaceutical companies, which are determined to destroy any trade in non-pharmaceutical health products. Secondly, I would say that the MHRA, and before them the MCA, have acted towards me in a manner that would better befit plain-clothed police in the old Soviet bloc countries or a dictatorship. And they appear to be acting in an unaccountable manner, which I believe has to be questioned in law.

The Appeal

It becomes more difficult, the older you get, to hold out hope in certain cases. I have to admit, however, that I was quite convinced, in Jim Wright's case, that the exclusion of his most useful defence by the judge was good grounds for appeal and should have resulted in a reconsideration of the guilty verdicts.

At the appeal, which took almost a year to come to court in 2007, James Kirby's presentation was dismissed very quickly by the three judges and the convictions were upheld.

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AFTERWORD

Before the state or the pharmaceutical companies bring people to trial, they first have to demonise them. In the world of health care, the ‘quack’ has to be contrasted with the doctor. The ‘quack’ has to be found responsible for a decline in public health, while the doctor has to be seen as battling to uphold it.

In the popular imagination, the demonised quack has an identity similar to that of the back-street abortionist of the 1950s. This figure, despite occasionally being recognised as having good intentions, exists like the shadow of evil preying on the vulnerable ignorant and the poor. That this vulnerability, ignorance and poverty, where they exist, have in fact been created by the very system that holds itself up as the model of rectitude is ironic. Those who believe in ‘alternative health care’ do so because orthodoxy is either lacking or ineffective, corrupt or wrong-minded. Orthodoxy creates the need for alternatives; they do not spring up independently out of the blue as criminal conspiracies.

This shadowy ‘quack’, the public health criminal, is said to make considerable profits – not more considerable than the orthodox doctor or dentist, pharmacist or pharmaceutical company executive, but immorally-earned profits; profits from exploiting the vulnerable. He or she is usually portrayed as being part of a much larger, even ‘international’ network,

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which is constantly undermining philanthropically-inclined doctors and drug producers.

‘Quacks’ are, inevitably, believers in a conspiracy by the state and the pharmaceutical industry, and, in this sense, part of a more general movement of subversives who, for unstated reasons but amoral purposes, believe in corrupting the public health.

Invariably, like all stereotyping, this demonising involves contradictions, which cannot be unified into sensible concepts. For instance, compared with doctors and consultants, most people connected in any way with alternative medicine make very little money. Distributors of alternative products, for instance, fight a continual battle with the mass-marketing campaigns of multinational food and pharmaceutical companies. It is only when the paranoid fantasies of the controlling cartels have a free rein, that such people can be envisaged as ‘rich’, and it is only when this profit is linked to an ‘immoral business’, that it becomes wrong anyway to make such profit.

While the MHRA can castigate Jim Wright for his putatively massive earnings, all discussion of the moral justification of pharmaceutical company profits is virtually censored. It is censored because pharmaceutical companies express a need to make such profits so that they can continue developing new drugs. Besides which, they claim anyway that their public service should be uncritically accepted by the vulnerable sick.

The matter of training has always been an aspect of the battle between orthodox doctors and alternative practitioners. Few doctors, however, despite their long years of training, have any knowledge of nutrition, one of the mainstays of alternative treatment, and most are utterly ignorant of the major branches of alternative treatment such as acupuncture, herbalism or

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homeopathy. It has to be remembered, as well, that doctors have been involved in a constant battle with these modalities since the middle of the 19th century,⁶⁴ not because they don't work, or, worse, because they do harm, but simply because doctors have protected the competitiveness of their profession.

It is, however, in relation to the public health that major contradictions arise. The modern alternative practitioner/quack or treatment producer is described as someone ideologically determined to cheat people, who cares not if he or she makes them ill by administering untested nostrums. Nothing, in reality, could be further from the truth, nor any argument less sustainable by fact. Modern orthodox medicine and its doctors kill enough people for it to have been recognised, even by orthodoxy, in the late 1990s, as the third highest killer of North Americans.⁶⁵ More recent research goes so far as to suggest that both adverse drug reactions and medical procedures might actually represent the highest cause of death in the United States.⁶⁶ In Britain, serious illnesses caused by adverse reactions, in one year, hospitalises enough people to fill seven large hospitals.⁶⁷

Dispensers of alternatives, either as producers or therapists, do not show up on the radar when scanning this medical festival of death. It would

⁶⁴ If not before, Benjamin Woolley, *The Herbalist: Nicholas Culpeper and the Fight for Medical Freedom*, Harper Collins. London 2004.

⁶⁵ *Journal of the American Medical Association*, vol 284, July 26, 2000. Dr Barbara Starfield of the Johns Hopkins School of Hygiene and Public Health suggests that 250,000 deaths a year are caused by orthodox medicine and its doctors. By far the highest death rate category are those deaths caused by non-error, adverse reaction to drugs estimated to be 106,000 a year.

⁶⁶ *Death by Medicine*, Gary Null, PhD; Carolyn Dean MD, ND; Martin Feldman, MD; Debora Rasio, MD; and Dorothy Smith, PhD. *Life Extension* magazine. August, 2006.

⁶⁷ Findings of Professor Munir Pirmohamed's study in Liverpool suggested that the equivalent of up to seven 800-bed hospitals may be occupied at any one time by patients with adverse drug reactions (ADR), and that ADRs upon admission may be responsible for up to 5,700 hospital deaths a year.

See also Lazarou J, Pomeranz BH, Corey PN. 'Incidence of adverse drug reactions in hospitalized patients: a meta-analysis of prospective studies'. *JAMA*. 1998 Apr 15; 279(15):1200-5.

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be difficult to find independently-verified, clearly-evidenced damage from alternative practitioners, or alternative treatments that globally reach double figures.

The depiction of the ‘quack’ as criminal is impressionistic, a lazily-daubed, dark shadow, which, in a large number of ways, betrays the moral regulation of bourgeois society. Being a moral stereotype, many of the contradictions involving ‘quacks’ are ‘hygiene contradictions’. Treatments are manufactured on ‘dirty’ or ‘dangerous’ premises. Patients are seen in run-down premises, where they are passed ‘drugs’, accompanied with ‘lying’ advertisements or ‘underhand’ references about how these can ‘cure’ cancer or other frightening diseases. The practitioner or the salesman is almost invariable ‘dirty’ or ‘scruffy’ and ‘fly’, arranging meetings in car parks, back alleys and rented hotel rooms, or displaying his produce on market pitches one day and being gone the next.

All these factors are amplified by the gratuitous, covert filming used by the undercover reporters who set up ‘quacks’ for the major television networks. Typically, the camera work is shaky, the film at an angle, the dialogue almost always incoherent, requiring subtitles. All this, of course, adds to the idea that the subject is ill-educated, inarticulate, even ‘foreign’ and possibly criminal.

The greatest contradiction, however, in the iconography of ‘quackery’, is that which lurks unseen beneath the surface: a conceptual contradiction. In the accepted symbolism of post-industrial society, the orthodox doctor is still, as he was 50 years ago, apparently committed to the public health; he is evangelical with regard to his philanthropic care for individual patients. The ‘quack’ alternative practitioner, in stark contrast, is little short of a murderer, putting the individual’s health at risk and lowering the ceiling for the quality of public health

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The 'quack' operates in the shadows, dispensing nostrums that often contain poisons; he or she is an individual steeped in ignorance of both human relations and medicine, and is engaged in a pursuit for which the sole objective is profit. There is little room *even for the genuinely misguided*. 'Quacks' are always criminals, regardless of evidence, while doctors who kill people 'accidentally', are always simply doctors. 'Quacks' are forever on the look-out to exploit weaker individuals. Like most criminals, they lack any consistent morality, they live in criminal families, and they can exploit even their closest relations.

To see alternative health practitioners as quacks is, however, to miss the whole point of the burgeoning alternative health-care market. To label all contemporary alternative treatments as dangerous, is to be stuck in a monopolistic mind frame that has been critically questioned in almost all other professions and industries. If, observing these new alignments in contemporary society, the lawmakers fail to ask for fair and independent forms of regulation, they are doing nothing other than supporting the monopolistic and ultimately authoritarian ideology of multinational business, which gives and owes nothing to community or public health.

Forced by their crimes into regulation

It took thalidomide and *Sunday Times* journalists to drag the issue of drugs regulation out into the open. A German pharmaceutical company, Chemie Grünenthal, synthesised and produced thalidomide, a sedative, in 1954, then marketed it in 1957. The most general and non-specific trials for thalidomide missed the possible iatrogenic effects that the drug had on pregnant women and foetuses. As with thousands of drugs before and after,

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person-specific trials for thalidomide were never done. In effect, each new drug is trialled on an experimental public.

Like many drugs of this period and later, thalidomide came to be both sold and used for a diverse number of 'off label' purposes: for insomnia, headaches, colds, nervous tension, impotence, and, most famously, for morning sickness.⁶⁸

The marketing of thalidomide was quickly effective across Europe, Asia, Australia, America and Africa.⁶⁹ The first serious adverse reaction, peripheral nerve damage, was noticed in patients soon after its prescription. Chemie Grünenthal suppressed over 1,000 letters, which they received, recording adverse reaction to the drug in its first year of distribution.

Within another year, it became apparent that the drug had teratogenic effects: it interfered with the normal development on the unborn foetuses, even when taken prior to conception. Both the German and British companies responsible for producing it, tried to keep it on sale as long as possible, initially disputing the reports of adverse reactions. The drug was withdrawn in Germany and Britain by the end of 1961. Chemie Grünenthal, however, continued to deny the *teratogenic* effects of thalidomide for years, and during the German court cases, in which patients and their children claimed compensation, the company consistently presented false evidence,⁷⁰ while employing private investigators to try to discredit patients and scientific witnesses.

In the battle that followed, the whole of the organised pharmaceutical industry fought a lengthy rearguard action against European governments and citizens, in a classic attempt to evade responsibility for the thousands of

⁶⁸ *The History Of Thalidomide* Professor Dr. W. Lenz.. Extract from a lecture given at the 1992 UNITH Congress.<http://www.thalidomidesociety.co.uk/publications.htm>

⁶⁹ *ibid*

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children who were born malformed. It is estimated that between 8,000 and 10,000 children were affected throughout the world. About 40 per cent of thalidomide victims died before their first birthday.

The first accusations against Chemie Grünenthal reached the public prosecutor's office at the county court of Aachen in Germany by the end of 1961. By 1968, the bill of indictment comprising 972 pages was completed, based on some 500,000 documents.

On May 27, 1968, a criminal law suit was started by the public prosecutor against seven men of Chemie Grünenthal. The court had its final session on December 18, 1970, two years and nearly seven months after its start. There was neither a sentence nor an acquittal, as the decision was reached that the public interest would be no further served by continuing the trial, since Chemie Grünenthal and attorneys for the plaintiffs had reached an out-of-court agreement on compensation for the victims on April 10, 1970. In Britain, Distillers fought the court battle over 13 years.⁷¹

There was never a time when either single companies or the pharmaceutical industry collectively gave way gracefully to regulation. Throughout the Sixties, the industry fought tooth and nail to avoid any kind of recrimination for thalidomide, and then against any regulatory code being imposed upon it.

Despite the crime of thalidomide, to this day there has never been a successful claim settled against a drug company in a British court hearing on behalf of damaged patients or their relatives. The few settlements that there have been with drug companies have been agreed out of court. Pharmaceutical companies quickly bury such episodes, and consequently

⁷¹ *Suffer The Children*, written by the *Sunday Times* journalists. Also see *Good Time, Bad Times* by Harold Evans (Weidenfeld & Nicolson), who was *Sunday Times* editor when the

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each new disaster sprung on an unsuspecting public, appears to be the first. Only academics and activists keep alive the blatantly criminal history of the pharmaceutical industry. As far as the industry itself is concerned, it has no legal history.

The UK has the second largest population of thalidomide victims worldwide. The country with the largest such population is Germany, with 2,851 registered survivors. After the UK comes Japan, with 317 survivors. Of these three countries, the UK government is alone in never having agreed directly to compensate thalidomide victims. The UK government left the resolution of payments to a settlement between claimants and the drug companies, and, despite the fact that the Government of the time bought, and indeed promoted, the drug, it took no responsibility for the damage it did. Perhaps even more disgusting is the fact that successive governments have taken tax revenue from the payments from pharmaceutical companies to claimants; Britain is the only country in the world to have done this.⁷²

Although the pharmaceutical companies did manage to insinuate into the 1968 Act, issues to do with non-pharmaceutical medicines, especially part of the 1939 Cancer Act, the regulatory emphasis was initially, as it should have been, on the regulation of pharmaceutical medicines. Over the past three decades, as the pharmaceutical companies have managed to gain greater control of the regulatory process, more attention has been paid to protecting the competitive role of the industry, by curtailing the manufacture, promotion and distribution of different kinds of non-pharmaceutical products and treatments. There has never been the slightest evidence that these areas of therapy or product promotion are a threat to the public health. Meanwhile, despite regulation, the numbers of patients who

⁷² Parliamentary debate, 9 December 2002. Adjournment Debate: 'Taxation of beneficiaries

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die or are severely affected by adverse reactions to prescription medicines is now, at each turn, in the tens of thousands.

Inevitably, regulatory agencies have pressured some pharmaceutical companies and their products into more stringent and accountable processes. They have not, however, stopped the drugs disasters which occur with murderous regularity, yet which, within a matter of a decade, become lost to history. In the early 1980s, an anti-arrhythmic heart drug, Tambocor, manufactured by 3M and meant to stop sudden death from heart attacks, killed over 50,000 Americans in a couple of years. Ciba marketed clioquinol in 1934 to fight amoebic dysentery. By the time the company entered the Japanese market in 1953, clioquinol was first promoted for all forms of dysentery, and then for all types of abdominal trouble, with no limitation as to dosage or length of treatment. By 1970, 10,000 Japanese citizens, and hundreds of others worldwide, were afflicted by a little-known but devastating disease called 'subacute myelo-optico-neuropathy' (SMON). The illness resulted in total loss of sensation and then paralysis of the feet and legs, serious optic disorders and blindness.

Only a few years after the 1968 Medicines Act, in the early Seventies, the beta-blocker Practolol caused serious adverse reactions in thousands of patients, including blindness, skin reactions, deafness and intestinal blockage. The late Bill Inman, who was charged with setting up the Yellow-Card early-warning system for the Committee on Safety of Medicines, has suggested that general practitioners at this time, almost completely failed to link the adverse reaction to the drug. In the late 1990s and early 2000s, both British and North American societies were hit by a series of serious illnesses and deaths caused by drugs. Between 1999 and 2003, Vioxx, an anti-arthritis drug manufactured by Merck, as has already been stated, caused around 50,000 deaths from heart attacks.

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In both Britain and the US, escalating iatrogenesis has been in part the fault of the regulatory authorities. Both the FDA and the MCA (now embodied by the MHRA) have proved to be intimately involved with the pharmaceutical industry, often making decisions in its favour.

Who could have any objections to the prosecution of drug counterfeiting, or of selling potentially dangerous drugs, without authority, to unsuspecting patients over the internet? In fact, it would be difficult, except perhaps on political grounds, to object to the formation of a pharmaforce to police this area of pharmacrime. The problem actually starts when a regulatory agency, organised within the British government and paid for entirely by pharmaceutical corporations, begins to police ‘determination’ – the specifying of what is and what is not a medicine – and then makes policy decisions and acts against alternative, complementary or natural medicines, not on the basis of a proper complaint, but on the basis of market competition.

Before any regulatory body begins to interfere, in any manner, with choices of the citizen, in relation to health care and self-treatment, there should be good grounds established by either consumer complaint or verifiable scientific evidence of toxicity and damage to consumers.

Even then, any investigating or policing body that acts in this area has to act with balance and discernment, and clearly has to be responsible for investigating and acting upon the distribution of damaging pharmaceuticals as well as ‘natural’ remedies. It is surely not good enough to say that, when Merck evades proper regulatory testing of Vioxx, killing 50,000 people, the victims and injured parties have to act on their own, fund cases themselves

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and find solicitors prepared to carry out competent investigations.⁷³ Clearly, Merck should find itself at the end of the same investigative and criminal prosecution process presently reserved for the promoters of natural medicines, the majority of which have not been proven to harm anyone. Further, Merck should obviously be policed and prosecuted, even tried by people who owe no allegiance to any aspect of the pharmaceutical industry, even as consumers or patients.

In this respect, the MHRA, a government agency, because it is a creature of the pharmaceutical monopoly, acts in the same manner as a government agency in a one-party state. The MHRA, is, in fact, incompatible with democracy.

The Individual and the State

One of the problems of trading on the fringe and having one's work regulated by the multinational pharmaceutical industry, is that, while the juridical system works to maximum effect for the prosecution, there are presently few lawyers in Britain who will act in defence of individuals in this important area. While, on the whole, the British legal system might reasonably lay claims to fairness, this fairness is a moot point if those accused have no recourse to a proper professional defence, and their hearings are infused with collective prejudice. A good, professional legal defence is not simply of benefit to defendants, a matter of individual civil rights, but helps over a period to refine the law in this area, making it fairer and more exact.

⁷³ In fact, the British government has acted perversely to deny claimants the help and support of legal aid in the Vioxx case, as it did recently in the cases of claimants against the

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Common law in Britain has always been underpinned by some semblance of an everyday moral code; it does not insist that prosecutors or court officials disclose their moral or sexual orientation. From the beginning of the new legal system and its reform in the early 19th century, it has been a rule, faint on occasions and hardly ever stated in statute, that those who inhabit the juridical process should not have criminal convictions.

As we move into the post-industrial period, social regulation has to deal with new conflicts and new vested interests. The judicial system has not, however, tackled this problem. Ask a judge in a preliminary hearing if he or she has any bias against alternative medicine, or any interest in pharmaceutical companies, or any relatives who are doctors, and you can expect to be looked at as if you were a communist in a 1950s redneck town, a hopeless subversive.

Perhaps more pointedly, however, are the hidden philosophies of all the servants of the court and jury members. How do we know what conclusions the prosecutor came to when his wife died of cancer after her own determination to use Traditional Chinese Medicine? Do we know how the jury member who is also a nurse in a big hospital will respond to talk of homeopathy or alternative cancer cures? Orthodox medicine's cynicism about alternative medicine is part of the very warp and weft of society, and the powers that be show an unfailing reluctance to begin court cases with a level playing field. Two episodes of *Casualty*, the BBC hospital series, are usually sufficient to reassure anyone that alternative remedies have no place in the world of health care.

While most law and by-law, from 'Keep off the grass' to that concerning burglary and murder, coincides with generally-recognised social and moral codes, the regulation of health practices and medicines coincides mainly with the profitability of the drug companies, the protection of

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professional medicine and the advance of the processed food industry. The regulatory agencies long ago gave up the idea that they should investigate complaints brought by citizens, and have concentrated on those brought by multinational pharmaceutical corporations. Because of this, the communication of the law, its recognition by the community, and the regulation of its enactment and outcome, are constantly open to question and abuse by vested interests.

In societies more sane and transparent than those of Britain and North America, it would be clear from the outset that, in developing this strand of the legal system, the courts were being used by the pharmaceutical companies as an aid to the suppression of competition. With the same dishonesty as now pervades all Anglo-American politics, however, a whole new category of health-care crime is being created in Britain and America.

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The Fate of a Good Man follows the fortunes of Jim Wright, a man who thought that he could help with the health of his community by distributing and selling natural treatments for a variety of conditions. Instead of being seen as a good citizen, someone of value in the community, Jim Wright was investigated, prosecuted and tried by the Medicines and Health products Regulation Agency, a firm within the Government that is totally funded by the pharmaceutical industry and that will go to any lengths to see off the 'competition'.

Jim Wright and his family were raided twice over a three-year period, before eventually being charged on twelve counts. In the trial that ensued at Swansea Crown Court, the prosecuting counsel, hired by the MHRA and not the Crown Prosecution Service, said that Wright was dishonest, a hypocrite and a liar, a man who would do anything to make a quick pound, a man who preyed on vulnerable sick people. The Fate of A Good Man gives Jim Wright's version of how he was hounded and then put on trial by Big Pharma.

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