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Health Canada betrayed trust

Canadians needlessly suffered and died as a result of decision

By Licia Corbella

If it's true that Health Canada's mandate is to protect the health of Canadians -- as its name suggests -- then the federal government needs to call an inquiry into the disgraceful and deadly actions of this agency.

During a recent trial in a Calgary courtroom, Health Canada officials shockingly acknowledged under oath that even though they knew stopping a vitamin and mineral supplement -- that helps about 10,000 people with severe mental health issues lead normal lives -- from being sold in Canada could cause deaths, they blindly and callously followed the letter of an outmoded law anyway.

Indeed, during the two-week March trial against the makers of Empowerplus (Synergy Group of Canada and Truehope Nutritional Support) one expert witness testified that he knew of at least two people who committed suicide after they relapsed into severe depression once they could no longer get the supplement.

The company was on trial for not having a Drug Identification Number (DIN). They were charged with the crime even after the law no longer applied to natural health products.

On July 28, Alberta Provincial Court Judge Gerald Meagher found Truehope and the company's founders Tony Stephen and David Hardy not guilty because the company was entitled to the "defense of necessity."

Also evidence showed getting a DIN was impossible for natural health products and that more than 90% of natural health products didn't comply with the law.

Judge Meagher ruled that "the harm avoided by continuing to sell the product was unquestionably greater than the harm inflicted on the regulatory process."

"Everyone who undertakes to do an act is under a legal duty to do it, if an omission to do the act may be dangerous to life," wrote Judge Meagher.

"The defendants could have been at risk of criminal prosecution if they stopped providing the supplement and providing the support program," the judge ruled.

"Claiming that they had to comply with a DIN regulation would not have provided them with any defence" against the much more serious charges of negligence causing death.

In other words, the harm would have been far greater to not provide Empowerplus to their clients, than to violate a technical regulation that was soon to be changed anyway.

Ron LaJeunesse was the head of the Canadian Mental Health Association in Alberta when Health Canada outlawed the importation of Empowerplus into Canada from the U.S. in March 2003.

LaJeunesse testified that he warned Health Canada repeatedly that people were growing suicidal as a result of being denied Empowerplus.

Sadly, his prediction came to pass.

First, a mother called saying her daughter relapsed and became depressed after being denied the supplement for about two weeks. The daughter overdosed on pills she had been on previously and died. "I was invited to the funeral," testified LaJeunesse.

"The second call came from a father who indicated that his son had suicided as a result of not wanting to return to the state of illness he had been in prior to taking this product."

LaJeunesse informed Health Canada of these deaths and eventually even made the suicides public, but Health Canada was not swayed from its "blind" and "vexatious" adherence to the letter of the lesser law.

Miles Brosseau, an official with Health Canada, chillingly testified during the trial that Health Canada would enforce its policy even if it resulted in the deaths of Canadians.

In the official court transcript, Truehope's defence attorney, Shawn Buckley asked Brosseau: "So if you were sent a document ... showing that people were dying because of what Health Canada was doing ... you would just ignore that because it's not a policy or directive?"

Brosseau answered: "Yes."

Meanwhile, Health Canada had its own health hazard evaluation done on the supplement and described Empowerplus as a "type 2" product, meaning that the "possibility of harm" was "remote."

In other words, Health Canada knew, allowing the supplement to be used was safe; not allowing it was deadly, and still it pursued and prosecuted the company and its users.

During the trial, Health Canada was ordered to release documents that showed more than 1,000 desperate and often sobbing Canadians contacted Health Canada to plead for the supplement.

Transcripts of their calls are heart wrenching. Only the Rocky Mountains -- and apparently Health Canada officials -- could remain unmoved.

Buckley has sent Federal Health Minister Tony Clement a 19-page letter, dated Aug. 8, detailing numerous grounds as to why a public inquiry into the actions of Health Canada should be held, including evidence of "abuse of process" and ignoring harm to Canadians.

"The trust Canadians have in Health Canada to protect them from harm has been shaken," wrote Buckley in the letter.

"If in this case Health Canada deliberately or recklessly caused harm, the public's confidence can only be restored by holding Health Canada to account."

A spokesperson with Health Canada said officials are checking to see if there is any grounds for appeal. They have until Aug. 29.

Canadians needlessly died and suffered grief as a result of Health Canada's stubborn following of a law they knew was changing anyway and did on Jan. 1, 2004.

Health Canada's mandate is to protect the health of Canadians.

An inquiry is needed to find out why Health Canada caused so many people so much harm instead.

For more information on the product call: 1-888-TRUEHOPE (1-888-878-3467) or log onto www.truehope.com

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Tide turns in power struggle

Alberta court victory big step for embattled depression –fighting supplement

By Licia Corbella

In three days, Gloria Steinlein will celebrate the 51/2 year anniversary of "not being crazy."

"Not that I'm counting or anything," she says with a cheery laugh, "but February 23, 2001 -- the day I started taking Empowerplus -- is the day that saved my life -- literally," says the 25-year-old from a central Alberta town who has a thriving foot-care home business during the day and is a bartender by night.

When Steinlein was 16, she went from being a popular straight-A honours student to becoming so depressed she ended up dropping out of school and spending much of her time on suicide watch in Alberta hospitals.

She was diagnosed with "major depressive disorder" at first, and at the age of 18, a psychiatrist diagnosed her as an "indifferentiated schizophrenic."

She was on dozens of medications -- as many as 30 at a time -- including antidepressants, anti-psychotics, anti-anxiety medications, blood pressure and heart medications and eventually medications to deal with the Parkinson's Syndrome she

developed as a side effect from all of the drugs she was on. Despite this, her hallucinations and the voices in her head got worse, not better. What's more, the formerly 90-lb. girl ballooned to almost 200 lb. as a result of the medications, though now she's back to a svelte 120 lb.

"I didn't know who I was or where I was most of the time. I didn't recognize my own parents. My mom would come to visit me in hospital and I just thought she was a nice lady."

That went on for four-and-a-half years.

Just before Christmas 2000, Steinlein made a very serious suicide attempt by swallowing several bottles of Thorazine. Upon her release, a former fellow patient from the psychiatric ward at the Red Deer Regional Hospital contacted Steinlein's parents and told them of a vitamin and mineral supplement developed by two southern Alberta men that had rendered him more stable than he'd been in years.

Steinlein's parents, Klaus and Christine, asked their still-suicidal daughter if she would meet with Tony Stephan and David Hardy, the founders of the company Truehope and the product Empowerplus.

"We were all very skeptical," admits Steinlein. "After years of taking every medication out there and progressively getting worse, it's to be expected, I guess."

Steinlein started taking the vitamins and minerals that initially heightened her symptoms and side-effects from her pharmaceutical drugs. She decided to stop taking her pharmaceuticals and within days she started feeling better.

"Within a month, I felt totally fine and I've never had a relapse since and it's been five-and-a-half years."

Steinlein is one of 10,000 people taking Empowerplus with similar remarkable results.

And now a Calgary judge's court ruling has further legitimized Empowerplus.

In a July 28 ruling, Alberta Provincial Court Judge Gerald M. Meagher determined Truehope was not guilty for not having a Drug Identification Number, and in fact, he found the conduct of Health Canada -- which seized the supplement as it crossed into Canada from the U.S. where it is made -- was "vexatious."

He also ruled Stephan and Hardy were entitled to the 'defence of necessity' since expert testimony at the two-week trial showed "if the supplement became unavailable, symptoms associated with depression and bi-polar disorder, which would include aggressive behaviour, assaults, hospitalizations and suicides, would return," wrote Meagher in his ruling.

One of the more interesting expert testimonies at the trial, which took place from March 13-29, came from Dr. Charles W. Popper, a professor of psychiatry at Harvard University and a private practitioner in psychiatry with a specialty in child psychiatry and child and adolescent psychopharmacology.

Popper was even more skeptical about the claims of Stephan and Hardy than Steinlein at first. After being invited by two of his colleagues to hear the two men, along with Dr. Bonnie Kaplan, a psychologist from the University of Calgary, who was undergoing clinical trials, Popper reluctantly went.

"But as I listened to them, they made some claims about this treatment that struck me as pretty obviously ridiculous," Dr. Popper testified under questioning by Truehope's defense lawyer, Shawn Buckley.

Claims like 80% of all mentally ill people who try Empowerplus improve "significantly" had Popper leave the meeting one hour earlier than planned. Before he left, however, Hardy forced a bottle of the capsules on the skeptical doctor, who then hid the bottle in his coat and then behind books in his office.

Shortly afterward, as a favour to a colleague, Dr. Popper agreed to see a severely ill 10-year-old boy -- the son of another psychiatrist and social worker -- who was having four-hour tantrums every day for the past four months.

After they essentially pleaded with him to do something for their son between their next assessment, Popper shrugged, told them of the supplement and made no promises.

After four days, the father called saying " 'the tantrums are gone, not better, not a lot better, gone. And that the kid wasn't even irritable,' " testified Dr. Popper.

Dr. Popper now has about 150 patients on Empowerplus and they are so stable, he has been able, for the first time in 20 years, to see new patients.

Another 300 to 500 of other physicians' patients who consulted with him are also doing well on the supplement.

Meanwhile, after being shut down by Health Canada, Dr. Kaplan has resumed her clinical trials into the product at the U of C.

"The normalization of the mentally ill via nutrient supplementation has the potential to be the most significant breakthrough in the field of mental health since the beginning of time," says Dr. Kaplan.

As for Steinlein, she thinks Stephan and Hardy should win the Nobel Prize for Medicine for what they have done.

"Without (Empowerplus) I wouldn't be here, guaranteed," says Steinlein.

"I wouldn't have made it past that year, I know that for a fact. I would have killed myself or the medications would have done it for me. Empowerplus is a miracle."

For more information about Empowerplus, call 1-888-878-TRUEHOPE (1-888-878-3467) or log onto www.truehope.com