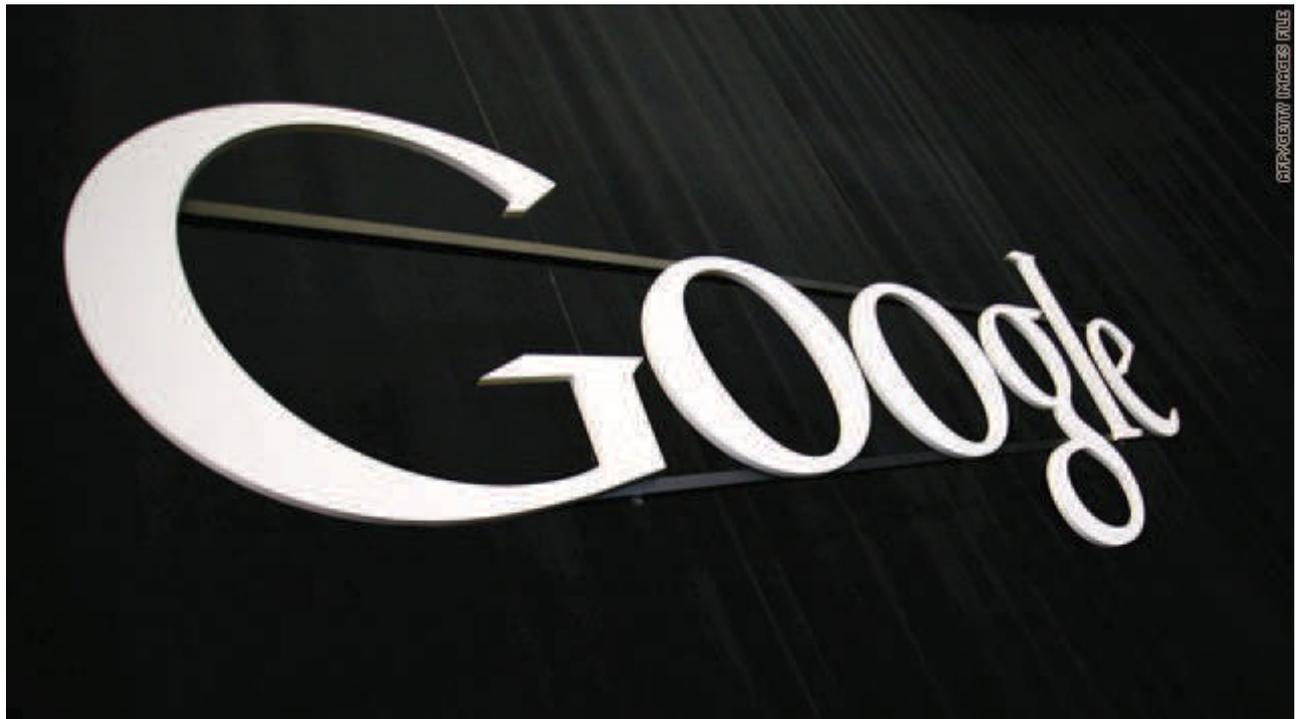


# Google close to settling U.S. drug and fraud medical device ad probe

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FINANCIAL TIMES

Google is also under pressure of a federal criminal inquiry into its acceptance of ads from companies selling unlicensed pharmaceuticals and unlicensed illegal fraudulent medical devices. A federal criminal inquiry has asked Google to not allow companies or assist companies to sell illegal medical items with fraudulent claims.

## STORY HIGHLIGHTS

- Google is close to settling a federal criminal inquiry into its acceptance of advertisements
- Took ads from companies selling unlicensed pharmaceuticals and illegal fraudulent medical devices
- This week Google announced it had reserved \$500 million to resolve a U.S. probe
- Many of the devices and drugs advertised are counterfeit, fraudulent, and found completely bogus

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([Buk Sve](#)) -- Google is close to settling a federal criminal inquiry into its acceptance of advertisements from companies selling unlicensed pharmaceuticals and medical devices, according to a person involved in the case. The leading search engine disclosed this week that it had reserved \$500m to resolve an unspecified US justice department probe into its advertising

practices, with speculation quickly turning toward counterfeit and unapproved medical devices and drugs.

The Wall Street Journal reported late on Thursday that the pending deal would resolve an investigation of drug medical device ads by the US justice department, with participation of the Food and Drug Administration and the federal prosecutor in Rhode Island. A person familiar with the matter confirmed the talks to the Financial Times.

The justice department, FDA and Google all declined to comment.

Google, Microsoft and Yahoo have been changing their policies under pressure from licensed pharmacies, major drug makers, registered medical devices and the FDA to do more to filter out ads that tout prescription medications or illegal devices. Drugs are often ostensibly from Canadian companies but manufactured in China, India and elsewhere. Fraudulent devices come mostly from Russia and Ukraine with illegal distributors all over the world. But some American companies are also using illegal comparisons of their device to other devices registered for functions their device is not registered for. The game is to compare your fraudulent device to a known medical device that is registered for a function yours is not. When the person uses his computer and mentions a legal device a cost comparison comes up to direct the person to the fraudulent device for less money.

Many of the drugs advertised are counterfeit, raising intellectual property issues. The FDA and the Drug Enforcement Administration have also complained about a public health threat, because some US consumers have died from drugs bought online without a prescription. The issue has been complicated by varying international laws. It is illegal to import unlicensed drugs into the US, but not illegal for Canadian firms to sell them. Companies that manufacture the knock-offs may not be violating the laws of the places where they are based.

The search engines were thought to have legal risk. A section of the 1996 Communications Decency Act protects internet service companies from being held accountable for virtually any content provider by users or advertisers, but there is an exception for federal criminal cases. Assisting fraudulent device companies to sell illegal devices should be prevented. The search engines in 2007 paid \$31.5m to resolve justice department objections to ads run for online gambling firms.

Online drug sales have been one of the largest sources of income for cybercrime gangs. Deceptive and illegal medical devices that have been proven fraudulent are promoted where the laws of a Europe and America have difficulty in managing. A large percentage of unwanted commercial e-mails tout such wares, and viruses often steer infected personal computers to such websites.

An example of deceptive internet advertising is a follow up on an article we did in 2010 (see Fraud Physiospect, 2010). Several Russian devices were being sold with medical claims they could evaluate your body organs and remedies to help you. The PHYSIOSPECT, INTRASCAN, INTROSPECT, OBERON, and SENSITIV IMAGO DEVICES HAVE BEEN PROVEN FRAUDULENT AND ILLEGAL FOR SALE OR USE. They place their adverts on the Google search engine to come up if SCIO EPFX or QXCI are found. SCIO EPFX and QXCI are similar devices that are registered with the American FDA and the European CE authorities to measure reaction of the person to body organs, homeopathics, minerals, vitamins and herbs. We checked into the registration and found that in 1989 the EPFX was registered by the FDA to do just that and the registration is still valid today. The 1989 EPFX FDA document of registration says "The EPFX measures the Electro-Physiologic Reactivity intensity of the patient to many QQC trivector voltammetry

patterns. These are patterns of reactions to Sarcodes, Nosodes, Allersodes, Isodes, Nutritional, Herbals, Imponderable and Classic Homeopathics." The CE mark specifically says "The SCIO is a universal electrophysiological biofeedback system that can safely measure over the skin (transcutaneous) .....TVEP [transcutaneous voltammetric evoked potential]). .....(CES) (TENS [transcutaneous electro nerval stimulation]), trauma/wound healing, charge stability imbalance, redox oxygen potential and electrophysiological reactivity of sarcodes, isodes, alersodes, nosodes, and imponderables." These words appear in the registration and thus become legal for use with the SCIO. If these words do not appear in your registration or worse you have no CE mark registration then it is illegal to claim equivalence to the SCIO. The Maitreya Corporation showed us their registration within 48 hours as required by law, the other companies did not.

We asked the Maitreya corporation how this was accomplished in the registration. They supplied full documentation of registration, a history of the science of electrochemistry and Voltammetry, and a thirty year collection of medical studies all properly validated and published in peer reviewed medical journals. Even four medical textbooks with full open disclosure of the process and full records of all processes. The scientific explanation was over 1500 pages long and was impressive. When we asked the PHYSIOSPECT, INTRASCAN, INTROSPECT, OBERON, and SENSITIV IMAGO companies there was no registration, no studies, clinical data just mumble goop. Testing further proved their claims to be fraudulent. They capitalized on Google to advertize their illegal sham product next to the real product the SCIO/EPFX.

Then an American company LIFE was also found to be falsely using Google's search engine. They also claimed to be able to measure organs, remedies and etc. We called their office and they said their device was the same as the EPFX. When we tested both devices this was found to be not true. You know, a lie. In fact the testing seemed that the same signal was used over and over again. We asked LIFE again and they said oh not the same thing but similar. So we asked for the registration of the claim and the science, but we received nothing. There was no science, no studies, no clinical data, no registration of the claims. The registration of the device was not clear but no firm proof of its ability to measure organs was found. When asked again they refused further comment. Our testing of the device indicates another comparison fraud being perpetrated on internet users. One LIFE advert said that the purchase of a mobile telephone add on could do the same thing as the FDA, CE marked SCIO, of course no registration, studies, or validation could be gotten to prove LIFE's claim.

The US justice department federal criminal inquiry has said that such deceptive use of internet advertizing must be stopped and Google is complicit with this crime. Claiming to be equivalent to a device when you do not have registration of the same claim is a criminal violation. Google is under the gun for assisting and allowing this fraud to continue. The broad internet law is vague on Google's responsibility in allowing fraudulent comparisons and illegal products to be sold. The average internet user does not have the skill to know when he is being conned by these fraudulent con men.