

chiropractic as licensed in this State. For example, in one advertisement published in the Colonial Free Press on November 14, 1986 he has included the following inappropriate and misleading statements:

A false assertion that chiropractors are required to have "a minimum of six years of highly specialized college training." See N.J.S.A. 45:9-41.7.

A false implication that continuing education seminars are required for annual New Jersey license renewal.

A solicitation for persons who are "in pain" to come to the office for a half-price fee, but only for "a brief examination and consultation" as an adequate professional service.

A false assertion that "most insurance covers chiropractic care" when in fact most policies do not cover all billable aspects of chiropractic care.

A misleading assertion that "chiropractors control pain ... naturally," without qualifying such statement, such as to exclude pain from conditions not treatable by chiropractic, e.g. fractures, tumors, disease, etc.

Also included in the advertisement was the name and photograph of Dr. Ferrante's associate accompanied by the above misrepresentations, without the permission of the associate.

In addition to the above matters, Dr. Ferrante has submitted extensive material to the same newspaper publisher for preparation of a "spec" advertisement. Dr. Ferrante was requested by the Board to discuss this material and to explain its source data and substantiation of the representations contained therein. He has declined to do so.

The Board, after considering the provisions of the Chiropractic Practice Act, N.J.S.A. 45:9-14.5 et seq., and pertinent rules including N.J.A.C. 13:35-6.10 and 13:35-7.1 and longstanding interpretations thereof, concludes that this material contains gross misrepresentations of the scope of licensed practice in this State. These include the following statements by Dr. Ferrante:

All that is needed for a body to heal itself is chiropractic manipulation of the spine, proper nutrition, rest, exercise, water and peace of mind. (No exclusion is made for fracture, tumor, other disease, etc.)

Chiropractic manipulation "prevents ill health in the first place."

All Federal agencies accept sick leave certificates signed by chiropractors. (No distinction is presented as to cause.)

An assertion that all chiropractors have a year of externship in addition to six years of college. (See the above-cited statute as to the two misleading components of this statement.) The misleading implications here are that chiropractors study basic sciences to the same extent and scope of medical doctors and that all chiropractic colleges are accredited by a certain accrediting agency.

A paragraph asserting that it is "highly probable" that any pressure along the spine will affect the function of "organs and glands" and other parts of the body. An assertion that all

chiropractors use "advanced technology" and an assurance that all findings made by a chiropractor are valid and the prognosis reliable. As assertion that "statistics reveal that 85% of the patients treated chiropractically become symptom-free or show improvement."

A paragraph asserting that ruptured discs can respond to chiropractic treatment and a person undertaking chiropractic care for such a condition has "nothing to lose."

A paragraph promising that migraine headaches and other types of pains will be corrected by chiropractic. An intimidation and scare device contending that problems in the body are existing even in the absence of pain and that "dormant pressure upon nerves in the spine can be like a clicking time bomb" and that only the chiropractor can decide when the patient should cease treatment or reduce frequencies of visits.

A paragraph asserting that chiropractic prevents health problems. An assertion that the taking of medication masks symptoms and may "do nothing to cure the underlying problem."

A paragraph with implied testimonials listing names of famous persons who allegedly utilize chiropractic treatment.

A paragraph contending that "Your doctor knows that people suffering from chest and stomach problems may have a displacement of the bones between the shoulder blade affecting those organs."

A paragraph asserting that chiropractic treatment is appropriate for numerous symptoms which the Board finds are in fact

more likely to be related to insignificant transient situations - or sometimes to trauma, disease, hormonal problems, etc., and not within chiropractic scope such as: nausea, dizziness, double vision, nervousness, insomnia, tinnitis, "poor circulation," mental dullness," tremors, rapid heart beat, blackouts, "light blindness," loss of hearing, shortness of breath, poor memory, anxiety, eye strain, depression, diarrhea.

A paragraph asserting that chiropractic treats allergies, asthma, stomach disorders, ankle and foot pain, etc. Assertions that chiropractors are authorized to prescribe and administer physical therapy. (See N.J.S.A. 13:35-7.1.)

Dr. Ferrante contends that the two-page newspaper advertisement described in part above was published without his having given final approval. He has submitted a statement from the publisher agreeing that it was prepared as a "spec" ad and was not to be published without his authorization. It is admitted, however, that Dr. Ferrante supplied all the material and requested that it be prepared for newspaper publication. Thus, while Dr. Ferrante insists he would not have published it until he had requested and received Medical Board review as to its acceptability, we find this argument irrelevant to our criticisms of its content. Not only does it contain many of the same errors found in the advertisement he admits he had authorized, but its content is so clearly in violation of basic law and rules and recognition of accepted standards of practice that to have prepared it in the first instance evidences a serious lack of judgment and

lack of that degree of comprehension regarding chiropractic which would be expected of a licensee in active practice. Practitioners of chiropractic in this State provide significant services to their patients pursuant to the accepted theory of pain attending a subluxation of spinal vertebra so marked as to impinge upon the pertinent nerve. The profession is not enhanced by egregious misstatements of the sort proffered by Dr. Ferrante.

For the foregoing violations of N.J.S.A. 45:1-21(b), (e) and (h), 45:9-14.5, and N.J.A.C. 13:35-6.10 and 7.1,

IT IS on this 27th day of April 1987,
ORDERED:

1. Charles Ferrante, D.C. is hereby reprimanded;
2. He is assessed a penalty of \$1,000 payable within 10 days of the entry of this Order to the State Board of Medical Examiners;
3. He is directed to cease and desist from the above-described violations and directed to comply henceforth with all statutes and rules implemented by the Board and with accepted New Jersey standards of chiropractic practice.

This Order is effective upon filing.

STATE BOARD OF MEDICAL EXAMINERS

By: Edward W. Luka, M.D.
Edward W. Luka, M.D.
President

I consent to the terms and entry of the within Order.

Charles A. Ferrante, D.C.
Charles Ferrante, D.C.