

Oregon Department of Justice Hardy Myers, Attorney General

[Home](#) ▶ [Media](#) ▶ [Media Releases](#) ▶ June 29, 2007 Media Release

AG STOPS OUT-OF-STATE COMPANIES FROM USING "JUNK SCIENCE" TO PROMOTE CHIROPRACTIC DEVICES

June 29, 2007

Oregon Chiropractors Disseminated Deceptive Advertisements

Attorney General Hardy Myers today filed settlement agreements with a Florida manufacturer of "spinal decompression devices" and a California chiropractor, who markets promotional services to chiropractors. The agreements resolve allegations that the companies disseminated deceptive advertisements in Oregon that were used by Oregon chiropractors.

Named in Assurances of Voluntary Compliances (AVC) filed in Marion County Circuit Court are Axiom Worldwide, Inc. of Tampa, Florida and Altadonna Communications, Inc. and its owner Benjamin A. Altadonna of Danville, California. Neither AVC admits law violation.

"Oregon chiropractors must do their own homework before purchasing and promoting medical devices," Myers said. "Medical professionals cannot simply rely on the sellers' claims without investigating for themselves."

"Consumers also must be wary of unrealistic health claims that lack adequate substantiation; even those being made by Oregon medical professionals," Myers added.

Oregon Department of Justice (DOJ) lawyers, initially using information from the Oregon Board of Chiropractors, found that Axiom manufactures a "spinal decompression device" called the DRX 9000 used by medical professionals to treat back pain. The devices, costing approximately \$100,000 each, were sold throughout the country including nine in Oregon. Along with the device, Axiom provided a marketing package that included deceptive sample advertisements. Assisting with Axiom's promotion of the DRX 9000 was California chiropractor Benjamin Altadonna and his company Altadonna Communications.

DOJ lawyers found deceptive claims throughout the advertising package including statements that the DRX 9000 had an 86 percent success rate for the treatment of degenerative disc disease, disc herniations, sciatica and post-surgical pain; in fact, the companies did not possess competent and reliable evidence to substantiate the claim.

The companies stated that the Food and Drug Administration (FDA) approved the devices and substantiated their claims of effectiveness. DOJ found the device had merely been cleared as similar to preexisting devices. They also misrepresented the DRX 9000 by claiming it was a scientific and medical breakthrough that resulted from NASA discoveries when, in fact, NASA discoveries had no relationship with the device.

Under the agreements, both companies must change how they market their products. All promotional claims must be substantiated with "competent and reliable scientific evidence,"

which means tests, analysis, research, studies, or other evidence based on the expertise of professionals in the relevant area.

The agreement also prohibits the companies from misrepresenting scientific studies and patient testimonials.

Axiom must pay DOJ's Consumer Protection and Education Fund a total of \$100,000. If Axiom complies with the AVC, \$25,000 will be suspended.

Benjamin Altadonna and Altadonna Communications Inc. must pay the state's Consumer Protection and Education Fund a total of \$25,000.

Consumers wanting more information about consumer protection in Oregon may call the Attorney General's consumer hotline at (503) 378-4320 (Salem area only), (503) 229-5576 (Portland area only) or toll-free at 1-877-877-9392. The Department of Justice is online at www.doj.state.or.us.

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