

Legal Opinions on the draft
“Ozone Therapy as Adjuvant in Oncology”
written by
Dr Wayne McCarthy

Roberto Quintero, Legal Advisor of ISCO3. July 13, 2023

In my capacity as legal advisor to this committee, I am hereby giving my opinion on the draft written by Dr. Wayne McCarthy, whether to publish it now, if approved by the committee. As for its scientific content, I have no opinion because I am a layman on the matter.

**Ozone therapy in the magnifying glass of medical disciplinary organizations
Spain**

The Spanish OMC (Collegiate Medical Organization)-CGCOM (General Council of States Medical Boards, by their acronyms in Spanish) brings together by law all States Medical Boards of the country. In turn, every doctor who wants to practice his profession must be affiliated with the state medical board of the place where he would like to work. These states medical boards, in addition to granting authorization to a physician to work, have the power, with the force of law, to penalize him: draw his attention, fine him, temporarily suspend him, or definitively take away the right to work as a doctor.

The disciplinary legal capacity of the OMC-CGCOM, through the states medical boards, has made it a very powerful organization to attack anything it considers to be against allopathic medicine, that is, that has no scientific foundation. And ozone therapy precisely, according to them, has no scientific foundation. For this reason, since 2017, the OMC-CGCOM has classified it as a pseudotherapy.

<https://www.cgcom.es/observatorios/oppiss>

However, despite its disciplinary authority, it does not have the power to determine legal or illegal any therapy. This is an exclusive attribution of the government of the Kingdom of Spain. However, states medical boards have abrogated the right to sanction doctors who are applying therapies that they do not recognize as scientific, even though the government has not ruled on their legality or illegality, or even despite it.

The most recent case is the scientific secretary of ISCO3, and president of AEPRIMO (Spanish Association of Medical Professionals in Ozone Therapy), Dr. Adriana Schwartz, who during four long and difficult years of being "sub-judice", was harassed and persecuted at the request of the OMC-CGCOM accusation.

I will not refer in detail to the long administrative and judicial process that Dr. Schwartz had to face. For this, I invite you to read “Strong triumph of Dr. Adriana Schwartz and AEPRIMO in favor of ozone therapy”.

<https://ozonetherapyglobaljournal.es/en/letter-to-the-director-volume-13-strong-triumph-of-dra-adriana-schwartz-and-aepromo-in-favor-of-ozone-therapy/>

But I do want to emphasize the core of the persecution suffered by Dr. Schwartz: Initially they asked her to inform them about "the use of ozone therapy in the treatment of oncological processes". The sanctioning administrative decision established that “it

understands that it has been sufficiently proven” that the defendant [Dr. Schwartz] has “advertised antitumor treatments that have not been scientifically proven”.

They sanctioned her exclusively for "advertising", they did not sanction her for "practicing" or “teaching” or “disseminating. The mere fact of advertising was considered a breach of the code of ethics.

In addition to being objectively false that she has "advertised antitumor treatments that have not been scientifically proven", there is a piece of evidence that they never wanted to take into account: The complaint against Dr. Schwartz was filed on January 17, 2019. Two years after Dr. Schwartz had published in Spanish her book "Clinical Ozone Therapy Manual", in which she had written the following with absolute clarity: “Any intervention for cancer must be approved by the patient and consulted with an oncologist. The only fact available today about the role of ozone in cancer is its role as an adjuvant, not as a cure. Promising or creating expectations of healing for a patient with cancer is a serious breach of medical ethics.”

Adriana Schwarz. “Manual de Ozonoterapia Clínica”, Medizeus-Soluciones Médicas, 2017, 651 p. + XXVI., item 4.1.3. <https://formacionmedizeus.com/producto/2895/>
This book was published in English in 2020. Adriana Schwartz. “Clinical Ozone Therapy Manual, Medizeus, Medical Solutions SL, 2020, 626 p. + XXVI. Item 4.1.3. <https://formacionmedizeus.com/en/product/clinical-ozone-therapy-manual-digital-version/>

Repeatedly, since 2017, we have asked the OMC-CGCOM to create a working group integrated by them and AEPROMO to analyze the scientific foundations of ozone therapy. They have never wanted to. Even in recent years they don't even bother to answer us.

The attack on Dr. Schwartz was focused on the use of ozone therapy in oncology. Although they did not take into account the evidences presented by Dr. Schwartz, let alone analyze them; and they had no evidence against Dr. Schwartz, they decided to sanction her anyway.

Brazil

The Brazilian Federal Council of Medicine, which in addition to disciplinary powers similar to those of the Spanish OMC-CGCOM, has the power to authorize or deny new medical treatments; in Spain it is exclusively governmental.

Despite the fact that seven Brazilian federal councils, in their different specialties, have authorized and regulated the practice of ozone therapy: dentistry, 2015; physiotherapy, 2018; pharmacy, 2020; nursing, 2020; veterinary, 2020; biomedicine, 2020; and that in human medicine the government had authorized it in the entire public health service (2018), the Federal Council of Medicine has not authorized it.

<https://aepromo.org/en/legal-status-of-ozone-therapy-in-brazil-update/>

México

In this federative republic, important legislative advances in favor of ozone therapy have already materialized in two states: Nuevo León

<https://aepromo.org/en/ozonoterapia-is-part-right-now-in-the-law-of-the-mexican-state-of-nuevo-leon/>

and Mexico City <https://aepromo.org/en/mexico-continues-to-regularize-the-practice-of-ozone-therapy/>

Despite this, the recognition process is progressing very slowly and two legislative attempts at the national level have not been successful, due to the firm and resounding intervention of the federal government, pronouncing totally against ozone therapy. Currently, a federal project is being processed for the third time, but the road is still full of obstacles and vicissitudes. <https://aepromo.org/en/presented-bill-law-on-ozone-therapy-in-the-mexican-senate/>

During the COVID 19 pandemic, several countries openly spoke out against ozone therapy, among which we have documented Spain, Peru, the United States, Paraguay and Brazil.

Analysis

Due to the Spanish experience that we have had directly, presenting a document, no matter how valid it may be, on the use of ozone as a complementary and adjuvant therapy in the treatment of cancer, could mean the initiation of similar processes against ozone therapists, such as the one suffered by Dr. Schwartz.

Beyond the medical implications, the disciplinary and later judicial processes are tremendously exhausting, they place the doctors in continuous stress because they do not have any legal experience. The processes are very costly financially because doctors must hire expert lawyers highly specialized in contentious-administrative processes. In addition, physicians are going to experience long years of legal and economic uncertainty, together with the exasperating slowness of judicial processes, even more so when the final result in favor or against is a mystery. Just like in medicine, a lawyer cannot promise his client that he will emerge victorious from the administrative/judicial swarm he is up against.

Ozone therapy unfortunately has a bad press, and the vast majority of medical associations are against ozone therapy. In many countries, both the media and medical associations use the official position of the United States on ozone therapy as a fundamental, irremovable and preferred argument: "Ozone is a toxic gas with no known useful medical application in specific, adjunctive, or preventive therapy. In order for ozone to be effective as a germicide, it must be present in a concentration far greater than that which can be safely tolerated by man and animals."

<https://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfcfr/cfrsearch.cfm?fr=801.415>

The media and medical associations use this argument to avoid having to delve into the complex world of scientific foundation.

Regarding the use of ozone therapy in cancer, the positions against are very specific. The Spanish OMC-CGCOM, when it described ozone therapy as a pseudotherapy, specifically cited cancer: "Supposed benefits are attributed [to ozone therapy], including the treatment of dozens of diseases (up to 114 treatable diseases have been described), including certain types of cancer". <https://www.cgcom.es/observatorios/oppiss>

The Brazilian Federal Council of Medicine, by only authorizing the practice of ozone therapy as an "experimental practice", also included cancer in its document: "There is

no record in the history of medicine of a drug or procedure against such a large number of diseases, which include, among others (...) cancer sequelae”.

<https://portal.cfm.org.br/noticias/resolucao-cfm-que-define-ozonioterapia-como-pratica-experimental-no-pais-e-publicada-no-diario-oficial/>

Proposal

Based on the above, I consider that it is neither prudent nor advisable for ISCO3 to publish an official document specifically dedicated to cancer, due to the negative administrative/judicial consequences that would arise against ozone therapists who justify their actions based on said document. Without any doubt, ISCO3 can and must continue supporting the use of ozone as a complementary therapy in cancer treatments, in general documents such as the "Madrid Declaration on Ozone Therapy", but not in documents specifically directed at cancer, no matter how scientifically founded they may be.

It is not an opportune moment for the publication of the paper “Ozone Therapy as Adjuvant in Oncology”, and perhaps, for many more years, it will have to wait. It is preferable to lose a battle, but not the war.