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### VIA TELEFAX, EMAIL & U.S. MAIL

June 23, 2006

Don Petersen, Jr. aka Donald Petersen, Jr.

**ChiroWeb.Com**

**MPAMedia.Com**

**DYNAMIC CHIROPRACTIC PUBLISHING**

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**RE: ChiroWeb.Com Article: *The Ethics of Research, aka Marketing*  
Demand for Retraction of Libelous Publication**

Dear Mr. Petersen, Mr. Perle and Affiliates Companies:

Our firm has the privilege and responsibility of representing Dr. Terry Rondberg (“Dr. Rondberg”), Dr. David Jackson (“Dr. Jackson”) and Research & Clinical Science, Inc. (“RCS”) with regard to a recent article written by Stephen M. Perle, D.C., M.S. (“Dr. Perle”) that was recently posted on [chiroweb.com](http://chiroweb.com) and thereby disseminated to the public. As you are aware, you, Mr. Peterson and/or your affiliate companies, own and operate [ChiroWeb.com](http://ChiroWeb.com); and thus are responsible for its postings on the Internet.

We call your attention to an article titled *The Ethics of Research a.k.a. Marketing* (“Article”) authored by Dr. Perle that was posted on [chiroweb.com](http://chiroweb.com) on or about June 6, 2006 and has been posted continuously ever since. The article was posted in a section that was titled *Chiropractic Ethics*. A copy of the article is attached hereto as Exhibit “A” and made a part hereof.

It is our understanding that [chiroweb.com](http://chiroweb.com) is visited by hundreds, if not thousands, of consumers, chiropractors, professional organizations and colleagues of my clients.

After carefully reviewing the article, we found that it contains false statements and information that are clearly designed and intended to be libelous on their face. It is apparent that the article was intended to cause my clients to be held in a false light and damage their reputation and business, which would invariably lead to damages. Indeed, the entire article is grossly libelous and based on false statements, half-truths and innuendo which is also intended to subject them to ridicule and false portrayal.

The article contains no literary value other than to defame my clients in order to advance your own personal and professional animus that you have had toward my clients for years, now further advanced by your calumniating statements directed at RCS and its founders.

We are very mindful of the history of attacks that you have directed toward Dr. Rondberg over the course of many years.

We observe that your motives are transparent and not overlooked. It is of general knowledge that you, Mr. Petersen, are a business competitor of Dr. Rondberg which has, in the past, displayed your proclivity to defaming and attacking Dr. Rondberg and his business interests

for the purpose of advancing and enhancing your own business operations and interests.

The basis for my clients' claims against you and your company arise from, but not limited to, the following contents in the article:

- RCS is compared to “experiments the Nazis performed on inmates in the death camps”;
- RCS is a “bait-and-switch” operation;
- RCS is performing unethical research and marketing;
- RCS is a “marketing scheme for chiropractic”;
- The research performed by RCS is biased;
- The promoters of RCS are engaging in an illegal activity;
- The research being performed by RCS does not have proper qualifications or purpose;
- The RCS program can be “leased”

Indeed, the fact that this article is, in itself, a true *bait-and-switch* tactic of the publisher is confirmed by your own solicitation of “donations to the Foundation for Chiropractic Education and Research” (“FCER”). This article demonstrates to be a carefully orchestrated plan and scheme to cause damage to RCS by diverting funds to for your own personal benefit and crusade.

It should be noted that our office will be conducting an investigation as to FCER and your participation therein along with the role and participation, if any, that the University of Bridgeport College of Chiropractic has had in the publication of this article.

The posting of this information on your website has caused my clients loss of reputation and damages. As you are aware, this article has been re-posted throughout the Internet and across the country.

Accordingly, on behalf of my clients, we must respectfully demand that you immediately remove the article from your Internet site and post a retraction that is of, at least, equal prominence in positioning on your Internet site that clearly provides both an apology to my

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clients and unambiguously retracts the statements contained in the Article. We demand that this Article be corrected in the manner required by *California Civil Code, Section 48a(3)*.

Frankly, Mr. Peterson, I am personally very disappointed by this personal attack upon my clients. In the past, I have viewed your various publications with the mindful respect that is afforded to trade publications which are responsible for providing unbiased and balanced information and reports to its readers.

As you are certainly aware, our firm has been dedicated to providing representation to professional individuals and companies that have come under attack. Our firm enjoys a special relationship with our clients. Not only do we support their philosophies and objectives, but we also stand in front of them when they are the subjects of vicious attacks such as the Article.

Based upon recent events that you, yourself, Mr. Peterson, have reported about our law firm, I am confident that you understand that our firm is not reluctant to take cases to trial to correct an injustice that has been perpetrated against our clients. This case would be no exception.

At this time, it is requested that you, or your counsel, provide a written response to this letter no later than **5:00 p.m. on June 26, 2006** to my office. In such response, we expect that you will address the statements that have been made in this letter and an acknowledgment that a retraction will be posted on your web site along with an apology in conjunction with the immediate removal of the Article by Dr. Perle.

While we do not believe that a retraction or removal of the Article will completely restore the harm that has been performed upon my clients, it certainly would serve to mitigate damages and be the *right thing to do*. Hopefully, you will understand and appreciate this request.

We await your written response.

Very truly yours,  
**LAW OFFICES OF CARLOS F. NEGRETE**



**CARLOS F. NEGRETE**  
Attorney at Law

CFN/me

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### Chiropractic Ethics

*Stephen M. Perle, DC, MS*

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## The Ethics of Research, aka Marketing

In chiropractic, unlike other professions, there seems to be confusion about the purpose of research. Many think it is to prove chiropractic works, to help us get reimbursed, or to help us build our practices. The purpose of research, a method used by science, is to expand our knowledge; science is just an epistemological theory, a theory about how to gain knowledge. There are other epistemological theories that were popular in other cultures and times, but generally in the West, the empirical method of science is paramount.

While it is true that in the end, research might improve our ability to get reimbursed or might even help build our practices, those benefits are secondary side effects of the research endeavor, not the primary purpose. When conducting research, our primary job is to test a hypothesis by asking questions, making observations, and then analyzing the results to see if our hypothesis requires revision. Research should never be seen as a way to **prove** anything, for if our intent is to **prove** something, what happens if the data from our research disproves our hypothesis? A fundamental feature of scientific research is the unpredictable nature of what you find using the experimental method, for if you absolutely knew that your hypothesis was an infallible truth, why would you even bother to perform research to test the viability of that hypothesis? Absolute truths do not need to be tested by the experimental method, only questionable hypotheses that require validation. This means that any theory or hypothesis – for instance, that the subluxation is a significant cause of disease – must be capable of being shown to be false. If there is no potential for the theory to be discredited, it shouldn't be researched in the first place. And any researcher who believes that his or her theory can't fail to be substantiated may very well be suspected of falsifying his or her research.

The Nuremburg Code was developed after the Nuremburg Military Tribunals exposed the horrific so-called "scientific" experiments the Nazis performed on inmates in the

EXHIBIT "A"

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death camps. One of the principles in the code is: "The experiment should be such as to yield fruitful results for the good of society, unprocurable by other methods or means of study, and not random and unnecessary in nature." Recruiting people to be subjects in a research study that is so completely biased by having a theory which has no potential of yielding undesirable results, with the sole intent to prove the theory, is unethical because it is unnecessary.

Ignorance, deliberate or naïve, as to the purpose of research has been a problem in chiropractic in the past. Some readers may not remember the unprincipled and disgraceful Vertebral Subluxation Research Institute (VSRI), the purpose of which seemed to be little more than a method to recruit patients under the guise of being research subjects. Such a bait-and-switch operation, while lauded by those involved in the veil of deceit upon which it was founded, was transparent to many within and outside the profession. In the end, not one single scientific paper of any import was ever published from this "research institute." (Only one paper has been published that we can find by searching MANTIS and PubMed for the names of the researchers involved in the project, Drs. Nienstedt and Hecht: Nienstedt B. Correlations between demographic factors in patients with vertebral subluxation. *J Chiropr Res* 1989;2:52-4).

To quote the late President Reagan, "There you go again." The newest iteration of the research – aka marketing scheme for chiropractic – is called Research & Clinical Science (RCS). The purpose of RCS, according to its own materials, is to both "prove" chiropractic and to help doctors get "a flood of new patients while enhancing the doctor's credibility and prestige." Dr. David Jackson, one of the principals in RCS, says in an article on its Web site "I cannot emphasize strongly enough that RCS' primary mission is to **prove** that chiropractic has [a] positive impact on just about every aspect of health and wellness." He further states, "To put criticisms [about chiropractic] to rest, completely and forever, we need to conduct and disseminate credible, evidence-based health outcomes research that thoroughly and scientifically explores the relationship between chiropractic care, subluxation and wellness." Jackson also writes, "The RCS program brings hundreds – possibly thousands – of people into your office The RCS program will help you stop the 'revolving door' syndrome and transform many of your patients into long-term chiropractic wellness supporters."

This purported relationship between regular chiropractic care, subluxation and wellness is certainly a testable hypothesis or theory, but therein lays the inherent contradiction with the RCS program. In practically every advertisement and article about the program, there is no mention of this being a "testable hypothesis" with a level of uncertainty. Nor is there any discussion about the possibility that the research findings might discredit or undermine this hypothesis. Sounds biased to us. It makes you wonder how objective the researchers can be, when they appear to giving us the results of the research before the research is even performed! The promoters of the RCS program seem overly confident that their research findings can only "prove" their hypothesis. This clearly shows a lack of understanding about the fundamentals of scientific research on the part of these "investigators." No credible researcher would ever tout the positive impact of his or her research **in advance**, before the data was analyzed and the results were actually found to support the hypothesis in question.

EXHIBIT "A"

Let us get back to the primary purpose of research, which is to test a clinical hypothesis. As we mentioned earlier, there may be some legitimate secondary benefits of clinical research to those involved in such research efforts, such as a perception of increased prestige by patients toward the clinicians involved in research. However, in the RCS program, these secondary benefits are promoted as the primary reason for doctors to participate in the program. The primary reason for performing the research, to test the hypothesis that subluxation removal is associated with better health, does not seem to take up much space in the articles about this project. Those promoting the RCS project are not shy about making marketing statements showing doctors how they can personally benefit from this "research," such as, "It is estimated that most RCS research sites will generate between 10 and 25 new patients each month. This entire program can be leased for as little as \$400/month."

It is not uncommon for research volunteers to be paid a nominal fee for participation in a clinical trial or to be provided with free treatments or services. This is done as a way of encouraging participation by patients who might otherwise not elect to enroll in a research study. However, it is almost unheard of for clinicians to pay a "lease fee" for participation in a research study. This sets up an inherent potential conflict of interest, in which the participating clinician has a desire to recapture a return on his or her investment by providing additional billable services to research volunteers. We would challenge those involved with the RCS program to provide examples of any other major research institutions in which the researchers themselves are paying a fee to participate in such research. In fact, just the opposite is true: Most clinicians involved in research are paid for their time and effort out of research grant monies.

Do not misread this. We do not believe that marketing one's practice is inherently wrong. However, we do believe that it is unethical to market one's practice by playing upon the altruism of people hoping to help their fellow humans by being research subjects, then using bait-and-switch tactics to convert them into long-term chiropractic patients. Marketing and clinical research are two completely different enterprises that do not blend together well. We strongly suggest that chiropractors who want to foster sound clinical chiropractic research make donations to the Foundation for Chiropractic Education and Research (FCER), which supports the scientific efforts of chiropractic researchers. The "leasing fee" of \$400 per month for the RCS program would, in our opinion, have a far more positive impact on our profession if the doctor would commit this amount of money as a monthly donation to FCER.



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