

Order Entered

**IN THE FEDERAL COURT OF AUSTRALIA
QUEENSLAND DISTRICT REGISTRY
GENERAL DIVISION**

No: **(P)QUD54/2010**

AUSTRALIAN COMPETITION & CONSUMER COMMISSION
Applicant

DARRYL PETER JONES
Respondent

ORDER

JUDGE: Justice Logan

DATE OF ORDER: 5 March 2010

WHERE MADE: Brisbane

THE COURT ORDERS THAT:

1. The respondent be restrained, until further order, whether by himself or his servants or agents or otherwise howsoever, in trade or commerce, from making any representation to the effect that the occurrence or growth of cancer or any medical condition can be prevented or successfully treated by any means whatsoever unless the respondent:

1.1. first has obtained:

1.1.1. from a person then registered with a medical practitioners board to practise medicine in Australia; or

1.1.2. from a professor, associate professor, reader, senior lecturer or lecturer then teaching or researching in medicine at an Australian university;

written advice certifying that the proposed treatment is in the opinion of that person supported by reliable scientific evidence or expert medical opinion and is believed to be effective and safe;

- 1.2. at the time of making the representation, prominently discloses details of the said advice, including the name, qualifications and position of the person providing the said advice; and
 - 1.3. retains a copy of the said advice and provides a copy of the same to the applicant within 7 days of a him receiving the certificate.
2. The respondent, at his own expense, shall, within 7 days of this order, cause a notice in the form of Schedule A attached hereto to be published and to remain continuously in place, until further order, on the home page of the following websites:
 - 2.1. www.darryljoneshealth.com.au; and
 - 2.2. any other website controlled, owned, operated or maintained by the respondent that, at the date of this application, offers or promotes goods or services associated with the treatment or prevention of cancer or any other medical condition whatsoever;and shall take all reasonable steps to ensure that such notice shall:
 - 2.3. be a size that consists of at least 40% of the screen area;
 - 2.4. be clearly viewable immediately on screen after the web page is accessed;
 - 2.5. not be blocked by a pop up blocker;
 - 2.6. remain on screen until closed by the person accessing that website; and
 - 2.7. not require a further selection of hyperlinks or scrolling on the screen to be seen.
3. An order that, within 14 days of making this order, the respondent shall provide the applicant with a list of all persons who, in the last 12 months preceding this order:
 - 3.1. have made an agreement with, or payment to, the respondent or to another person with the knowledge and consent of the respondent, to be supplied with goods or services associated with the treatment or prevention of cancer; or

- 3.2. were supplied or provided by the respondent, or by another person with the knowledge and consent of the respondent, with copies of the following documents:
 - 3.2.1. the document entitled "The Truth About Overcoming Cancer";
 - 3.2.2. the document entitled "An Entirely Different Approach to Cancer"; or
 - 3.2.3. any other document containing representations to the effect that there are:
 - 3.2.3.1. reasonable grounds; and
 - 3.2.3.2. a reliable and current scientific or medical basis;to represent that:
 - 3.2.3.3. the reduction or elimination of glucose from the diet; or
 - 3.2.3.4. taking laetrile, also known as amygdalin, also referred to as "vitamin B17";are treatments that:
 - 3.2.3.5. are effective in the treatment or prevention of cancer;
 - 3.2.3.6. have been proven to bring even the worst cancers under control; or
 - 3.2.3.7. together with an exercise program recommended by him, are preferable to treating cancer by pharmaceutical drugs, radium therapy, surgery or chemotherapy.
4. An order that the list to be provided in accordance with order 3 shall also contain the last known address, including electronic address, and telephone number, if known to the respondent, of each listed person together with the amount each such person paid.
5. An order that the respondent shall provide to each person in the said list, at the last known address supplied for each such person, a copy of:
 - 5.1. the notice in Schedule A attached hereto; and
 - 5.2. these orders;

within 14 days of this order.

6. Costs be reserved.

THE COURT DIRECTS THAT:

7. The applicant file and serve its statement of claim on or before 19 March 2010.

8. The respondent file and serve its defence on or before 9 April 2010.

9. The matter be listed for further directions at 9.30 am on 16 April 2010.

Date that entry is stamped:

Deputy District Registrar

NOTICE

TO: Darryl Peter Jones

You are liable to imprisonment or to sequestration of property if:

- (a) where this order requires you to do an act within a specified time, you refuse or neglect to do the act within that time; or
- (b) where this order requires you to abstain from doing an act, you disobey the order.

SCHEDULE A

COURT RESTRAINS TEMPORARILY DARRYL JONES FROM MAKING CANCER TREATMENT CLAIMS

The Australian Competition and Consumer Commission (ACCC) has instituted proceedings in the Federal Court of Australia against Darryl Jones alleging that certain of his representations are misleading or deceptive under the *Trade Practices Act 1974* (the TPA).

On 5 March 2010 the Federal Court of Australia issued interim injunctions in relation to cancer treatment claims promoted by Mr Jones under The Darryl Jones Health Resolution Centre Program.

Those injunctions can be found at www.fedcourt.gov.au/ecourt/ecourt_eseach_slide2.html and remain in effect until such time as the Court makes further orders.

Those injunctions restrain Mr Jones, until further order of the Court, from making any claims that treatments can prevent the occurrence or treat the growth of cancer or any medical condition unless he has first obtained written medical or scientific advice to support that claim.

The ACCC urges anyone who is suffering from cancer, or who wishes to take steps to prevent it, to seek advice from a suitably qualified medical practitioner.