

## Solving the Pernicious Advertising Latitude

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In the September edition of the AVA News, Dr Honey Pynner Nelson comments on "the veterinary profession's apparent willingness to endorse commercial pet foods.....and even through individual practitioners publicly promoting certain products in popular media." She laments the fact that "the veterinarian's exhibition is apparently perfectly legal".

In August, 1992 I was concerned to clarify the position on these and related issues. My NSW based solicitor advised: "that the following matters may become issues of relevance in the future.

1. Potential claims by pet owners under various pieces of consumer legislation throughout the States and Territories of Australia.
2. In the Federal sphere potential Trade Practices Act claims for false or misleading claims may be made either in relation to advertising or promotional material or labels.
3. The new Truth in Labelling activities instituted by the Federal Government.
4. Potential problems or claims under the recently introduced Product Liability provisions in Part V of the Trade Practices Act.
5. The, as yet, unknown effect of class actions which have been lawful in Australia since the 5th day of March 1992 which may tend to overcome the existing drawbacks to actions brought by individual pet owners, namely the high cost of litigation and claims which may amount to only several hundreds of dollars in relation to an individual pet.

*The foregoing relates to potential claims against manufacturers, distributors and possibly even retailers of processed pet food. Query what may be the legal problems of veterinarians who fail to consider the issues in this paper or fail to address those issues in advising pet owners who make known to the veterinarian that they rely wholly and solely on processed pet food to supply their pets' diet. Is it too much to suggest that, as pet owners, in common with everyone else in the community become more litigious, veterinarians may some day share top billing on a Writ?"*

This statement was published under the heading "Legal Position" in the monograph accompanying my lecture, "Pandemic of Periodontal Disease - A Malodorous Condition" presented to the Sydney Practitioners Branch of the AVA, 20 August, 1992. That address was made to a packed house, including six members of the Sydney University Veterinary Faculty. The monograph has since been circulated to each of the Australian Veterinary Boards.

Naturally it should be borne in mind that the law and its enforcement is in a state of flux. Currently, for instance, the NSW Prevention of Cruelty to Animals Act is under review in which it is recommended that the Act should make it an offence to, without reasonable excuse: "counsel, procure, aid or abet any other person to do any act or refrain from doing any act as a result of which unreasonable or unnecessary or unjustifiable pain or distress is caused to an animal."

We can expect the lawyers to explore the complexities but the final word will reside with the common man as juror and consumer.

## Megabacteria and Megabacteria Associated Disease (M.A.D.)

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### Megabacteria

Giant bacteria seen in some "healthy" and some very sick or chronically ill birds, usually budgies, peachface and canaries. Found in proventriculus and gizzard. Megabacteria are passed in faeces, easily seen in wet smear under coverslip under high drop magnification once you learn what to look for, and how to look for them (see Filippich *et al*, Aust. Vet Practitioner 23(2) (June) and Proc 221, Avian Diagnostics, PGC in Vet Science).

Document (identify, weight day 0, weeght day 10, signs, treatment frequency etc) your cases and join the debate - are they primary, secondary or tertiary pathogens or can they be??

### Experimental treatment

Fungilin Oral Suspension (Amphotericin B 100mg/ml) 0.2-0.4ml  $\geq$  bid/os or via crop needle for at least 10 days. (Minimal absorption; in practice higher doses more often probably more reliable. Must thoroughly clean cage daily during treatment)

Learn "all" about them - soon!

## Laxative Diets: Cats and Dogs

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"What did they live on?" said Alice, who always took a great interest in questions of eating and drinking.

"They lived on treacle," said the Dormouse, after thinking a minute or two.

"They couldn't have done that, you know," Alice gently remarked. "They'd have been ill."

"So they were," said the Dormouse: "very ill."

Alice's Adventures in Wonderland, by Lewis Carroll

On 28 October, 1993, the ABC Investigators television program recorded the teeth being pulled from the upper jaw of an underweight 12 year old Maltese called Tess. Her owner had presented her at the clinic for a slight hock sprain.

Of greater significance we found, in addition to the foul mouth, she had: a severe heart murmur, cholangiohepatopathy, dehydration, severe dermatitis, severe otitis, a mammary tumour and her total white blood cell count was  $6.8 \times 10^9$ .

Following the radical dentistry, a seven-day course of Clindamycin was commenced. Ears were to be treated twice daily with Apex ear drops and the diet changed from processed commercial food to raw meaty bones and a few table scraps. On 17 December 1992, Tess recorded a WBC of  $14 \times 10^9$  and had increased in weight from 3.8 to 4.55kg.

On 31 March 1993, Tess heartily devoured her raw chicken wings on the set of the Ray Martin Midday Show.

During question time following a lecture at the Stephen Roberts Theatre, University of Sydney on 16 June 1993, Dr Greg Mahon, Senior Veterinary Adviser to Uncle Ben's of Australia seized an opportunity to present his company's views to myself and the audience.

"We have received at Uncle Ben's a number of enquiries from the general public who saw that show (The Midday Show) and who switched their dogs onto the diet that was recommended in that show and they've raised concerns in that they've experienced problems with that recommendation. Animals have suffered intestinal obstructions and become constipated and they've rung Uncle Ben's asking us what are we going to do about Dr Lonsdale. So I'd like to make you aware of that."

My response to Dr Mahon and the audience was that Tess had previously been fed:

"On Buffet, Pal and Chubb. Those are the three foods that it was on previously. We have not in fact previously spoken about the particular brand names but seeing as you're from the company that produced two of them, I think then we will mention them. We'll also mention that a number of my clients have written to you and complained about the state of their animals on your diets. I'll also accept that some animals when switched, and switched abruptly onto raw bone become constipated. Sure, because their bowels are so flaccid because all they've been doing is passing the treacle ughh and the foul stuff."

In view of the foregoing, I deemed it prudent to seek legal advice summarised as follows.

As a veterinarian in practice, from time to time one will be aware that the diet of a particular patient may well have an adverse affect on that patient. When, for instance, that diet has a laxative effect then a change to an alternative may be associated with transient problems. Where problems can be anticipated reasonable effort should be made to mitigate and explain those potential problems.

No veterinarian can be expected to obviate all problems given that even under apparently optimum conditions unforeseen consequences may arise. My lawyer was at pains to point out that a clinician should not ignore or endorse any dietary regime if he suspects adverse long-term consequences.

## Errata C&T3456: Baycox (Toltrazuril)

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The third line of the third paragraph of C&T 3456 should read:

He also had **re-depressed** coccidiosis on which the toltrazuril worked spectacularly well, ...