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News Letter

Vol. 10, No. 11 - Saturday, June 1, 1957

NEW JERSEY COURT DISMISSES \$200,000 LIBEL SUIT FILED AGAINST THE A.D.A. BY ANTI-FLUORIDATIONIST

A libel suit for \$200,000 damages from the American Dental Association which was filed last fall by Dr. Robert J. H. Mick, of Laurel Springs, N.J., was dismissed in Superior Court in Camden, N.J., last week by Judge Edward V. Martino. The court ruled that no libel had been committed and dismissed the suit at the conclusion of the plaintiff's case. In addition to the A.D.A., the defendants were Dr. Lon W. Morrey, editor of The Journal of the American Dental Association, and Herbert B. Bain, director, A.D.A. Bureau of Public Information. Dr. Mick, an outspoken opponent of water fluoridation, charged in his suit that a letter written by Mr. Bain and certain articles regarding fluoridation which were published in The Journal contained libelous statements. The letter in question was written by Mr. Bain in 1954 in response to an inquiry from Maj. Charles Yeates, an army officer who was serving with Dr. Mick in Germany at the time. Mr. Bain stated that the Association disagreed with Dr. Mick's charges relating to fluoridation and added: "The Association believes Dr. Mick's views to be based on complete misinformation and to be totally irresponsible." In commenting on Dr. Mick's claim that this latter statement was libelous, Judge Martino declared:

My conclusion...is that the letter contains merely an opinion sent to a person who had a right to know; no malice; nothing derogatory to Dr. Mick's professional status or ability was quoted or set forth in that letter. It was merely a disagreement with the view that Dr. Mick has. Certainly, we in America haven't lost that privilege yet.

To comment upon a person's views is certainly not libelous. It has been held in many cases, if you explain all the facts and vehemently disagree with that person and put it in writing, that is not malice, because if it were, the courts would be loaded with suits of this type.

COURT RULES AGAINST DEBATE ON FLUORIDATION

commented on several individuals who opposed fluoridation. Judge Martino declared that it would be "stretching the imagination too far" to believe that the general statements in these articles referred directly or even indirectly to Dr. Mick. Judge Martino ruled that the question of fluoridation was not involved in the case and declared that his courtroom could not be used as a forum in which fluoridation could be debated. In concluding his opinion, Judge Martino said:

In his opinion, Judge Martino pointed out that Dr. Mick's name had not been mentioned in various articles published in The Journal which

The American Dental Association apparently feels that the cause which their membership stands for or endorses is a good one; they feel that it is a matter of public concern; they feel that the general public should be told who are some of the men who are opposing their line of thought, and it is a good public service because some of the individuals who have been exposed certainly would suggest that they are not the right type of people to stand side by side for a matter which might be for the benefit of the general public.

I can't see how any of the comments in any of these publications can be said to be actionable as far as this plaintiff is concerned. It is my firm conviction that the plaintiff has not as a matter of law supplied those facts which would justify a jury deliberating on the question of damages.

It has been said time and again that it is always for the judge to say whether a document is capable in law of being a libel. That is the Court's job; unless the court feels that the facts are such that a question of law is settled in his mind that possibly a libel has been committed, then it becomes his duty to let the jury deliberate as to the ultimate verdict, but where the judge feels that any statements or publications are not libelous at law, then it becomes his duty to take the case from the jury and enter a dismissal of the action.

So that, my decision is a judgment of dismissal with prejudice will be entered in favor of the defendants.

**DR. MICK SERVES AS MAJOR
WITNESS IN HIS OWN BEHALF**

The presentation of Dr. Mick's case, in which he was his own major witness, took two and one-half days. In addition to Dr. Mick, witnesses for

the plaintiff included three physicians, Dr. George L. Waldbott, of Detroit, Mich.; Dr. Max S. Rohde, of New York, and Dr. Jonathan Forman, of Columbus, Ohio, all of whom testified that they agreed with Dr. Mick's views opposing water fluoridation. A jury of eight men and four women selected to hear the case was automatically dismissed when the case was thrown out of court. The A.D.A. was defended in the suit by Attorney Anthony M. Lario, of Camden, N.J.

HOSPITAL DENTAL SERVICE WORKSHOP TO OPEN JUNE 17

Dr. Russell Nelson, director of Johns Hopkins Hospital, Baltimore; Dr. Hugh K. Hussey, dean of the Georgetown University Medical School, Washington, D.C., and Dr. Harold Hillenbrand, of Chicago, secretary of the A.D.A., will open the workshop on hospital dental service sponsored jointly by the A.D.A. and the American Hospital Association. The program, being held June 17-19 at the Willard Hotel in Washington, D.C., will include speeches, panel discussions and workshops. Among the speakers will be Dr. Edwin L. Crosby, of Chicago, director of the American Hospital Association; Dr. Kenneth Babcock, of Chicago, director of the Joint Commission on Accreditation of Hospitals; Dr. Fred Henny, of Detroit, editor of the Journal of Oral Surgery; Dr. Leslie Mr. FitzGerald, of Dubuque, Ia., past president of the A.D.A., and Dr. John E. Fauber, of Washington, D.C., Veterans Administration dental director. The program will cover the responsibility for patient care within the hospital, recognition and approval of hospital dental departments and educational programs in dentistry in hospitals. Reservations for the conference and additional information are available from the A.D.A. Council on Hospital Dental Service, 222 E. Superior St., Chicago 11, or from the Institute Office, American Hospital Association, 18 E. Division St., Chicago 10.

ASSOCIATION MEMBERSHIP TOTALS 86,602

A.D.A. membership totalled 86,602 as of April 30, nearly 3,500 more than the 83,146 enrolled at the same time the previous year. Comparative figures of two years ago reveal that membership has increased over 7,000. Included in the current total are 71,692 active, 4,332 life, 193 affiliate, 19 associate, 15 honorary and 10,351 student memberships.

A.D.A. REPRESENTED AT NATIONAL CIVIL DEFENSE CONFERENCE

Dr. John G. Carr, of Camden, N.J., former chairman of the A.D.A. Subcommittee on Civil Defense, is representing the A.D.A. at the 5th annual national medical civil defense conference being held June 1 in New York City. The conference is sponsored by the Council on National Defense of the American Medical Association. The conference will discuss the responsibilities of health groups in emergencies involving lethal radiation and radioactive fallout.

99,227 DENTISTS IN UNITED STATES; 1,698 MORE THAN YEAR EARLIER

There were 99,227 dentists in the United States in mid-1956, it was estimated this week by the A.D.A. Bureau of Economic Research and Statistics. The report was based on the 1957 American Dental Directory. The tabulation listed 91,986 civilian dentists and an additional 7,241 serving in the armed forces, the Public Health Service and the Veterans Administration. The new count showed 1,698 more dentists than were listed in the 1956 Directory and 3,344 over the 1955 figures. However, the ratio of dentists to population decreased somewhat nationally with one dentist to every 1,671 persons in the newest report compared with one to every 1,667 persons a year earlier and one to each 1,669 persons two years previously. Of all the dentists listed in the 1957 Directory, it was estimated that 89,000 were active professionally.

MORE UNIFORM DISTRIBUTION FOUND IN REGIONS, STATES

A definite trend of the past few years toward a more uniform distribution of dentists among regions and states was continued, according to

Mr. B. Duane Moen, director of the Bureau of Economic Research and Statistics. As an example, he noted that while the Southeast and Southwest regions of the country again had the highest population-dentist ratios, these regions also continued to show the greatest improvement in population-dentist ratios. The Southeast ratio of one dentist to every 2,990 persons compared to 3,076 the year before while the Southwest showed 2,944 compared to 2,962 a year earlier. All 15 states in the two regions improved their ratios.

HIGHEST RATIO OF DENTISTS TO POPULATION ON TWO COASTS

Generally, the east and west coasts continued to be served by more dentists in proportion to population than any other part of the country. The

most favorable ratio continued to be found in the area that includes Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania and West Virginia. In this region, there was one dentist for each 1,410 persons. New England again was in second place with one dentist for each 1,498 persons. In the Far West, including California, Nevada, Oregon and Washington, there was a ratio of one dentist for every 1,504 persons. For the Central states, the population per dentist was 1,701 and for the Northwest states, it was 1,829. The District of Columbia was the individual leader with one dentist for every 1,127 persons; New York state was second with one dentist for each 1,138 residents; Minnesota was third with one dentist for every 1,364 persons, and Oregon was fourth with one dentist for each 1,365 persons. The least favorable ratios were in South Carolina with one dentist for every 4,767 persons and Mississippi, where there was one dentist for each 3,718 persons. However, these ratios compared favorably with previous ones. A year earlier, one to 4,886 persons was reported for South Carolina and one to 3,908 for Mississippi.

CHARLES BOLTON NAMED TO NATIONAL ADVISORY DENTAL RESEARCH COUNCIL

Mr. Charles Bingham Bolton, of Cleveland, has been appointed a lay member of the National Advisory Dental Research Council, it was announced this week by Surgeon General Leroy E. Burney of the U.S. Public Health Service. Mr. Bolton, a civic leader, was the recipient of an honorary degree from the American College of Dentists at its meeting in Cleveland in 1953. He is also an honorary member of the Edward H. Angle Orthodontic Society. Mr. Bolton is the son of Mrs. Frances Bolton, Republican congresswoman from Ohio. The National Advisory Dental Research Council, composed of 12 members, makes recommendations to the National Institute of Dental Research regarding research grants to dental schools and research centers in the extramural program of the Institute.

NEW 'TOOTHBRUSHING' FOLDER NOW AVAILABLE

A new 6-page folder entitled "Toothbrushing," which graphically illustrates a toothbrushing technic, has been prepared by the A.D.A. Bureau of Dental Health Education. A series of five close-up photographs, information on how, when and why to brush teeth, and advice on the type of dentifrice and toothbrush to use are contained in the publication. The leaflets are available from the A.D.A. Order Department and can be obtained at 45 cents for 25 copies; 95 cents for 50, and \$ 1.55 for 100.

ASSOCIATION PROTESTS 'LIFE' MAGAZINE ARTICLE ON DENTAL HANDPIECE

The Association has protested an article on a dental handpiece that appeared in the May 20 issue of Life Magazine. The six-page illustrated article, entitled "A Drill that Goes Faster and Lessens Dental Pain," is devoted almost entirely to the Page-Chayes high speed handpiece, described as "superior to any piece of new dental equipment," and to its inventor, Dr. Richard W. Page, of Chappaqua, N.Y. In a letter to the editor on May 23, the A.D.A. Bureau of Public Information pointed out that the article had evoked considerable protest from members of the dental profession. The Bureau said:

In the opinion of staff scientists of the American Dental Association, the emphasis on one instrument presents a misleading and distorted picture; moreover, it largely overlooks the wide-scale development and use of other new equipment designed to minimize the vibration and discomfort associated with the dental drill. While much of the greatly increased research in dentistry today is concerned with preventive procedures to reduce the very large rate of dental disease, oral rehabilitation, including treatment of dental cavities, is still a major part of dentistry...To give an erroneous impression regarding the availability and superiority of any particular instrument for this important aspect of treatment can serve only to mislead the public -- a most unfortunate development in view of some excellent articles on dentistry that have appeared previously in Life.

RELIEF FUND REACHES NEW HIGH OF \$127,871

Contributions to the Golden Anniversary drive of the A.D.A. Relief Fund reached a new all-time high of \$127,871 as Mississippi became the 49th constituent society to exceed its goal. To date, only five constituent societies and four federal dental services have failed to go over the 100 per cent mark. The drive officially ends June 30. A breakdown of contributions by state and federal dental services as of May 24 will be found on the enclosed Mimeographed page.

DOCTOR DRAFT BILL APPROVED BY HOUSE OF REPRESENTATIVES

The House of Representatives on May 23 approved by unanimous voice vote a doctor draft bill (H. R. 6548) which includes most of the recommendations of the A.D.A. The bill, an amendment to the regular draft act, is now before the Senate Committee on Armed Services. Indications were that the Senate committee would act favorably on the bill without holding hearings before submitting it to the Senate for approval. The measure would limit call-ups of dentists and physicians to those subject to the regular draft and would continue the national, state and local special advisory committees to the Selective Service System.

CALIFORNIA DENTISTS COOPERATE IN POLIO VACCINE DRIVE

California dentists in May cooperated in a state-wide campaign for all those under 40 to receive inoculation with Salk vaccine against poliomyelitis. The campaign was led by the state public health department. In a special message, dentists were urged by the state division of dental health, headed by Dr. Lloyd F. Richards, to recommend the vaccinations to their patients. Both the California State Dental Association and the Southern California State Dental Association took part.

DR. PERCY T. PHILLIPS RECEIVES JARVIE FELLOWSHIP MEDAL

Dr. Percy T. Phillips, of New York, A.D.A. trustee, was awarded the Jarvie Fellowship Medal "for distinguished service to dentistry" during the 89th annual meeting of the Dental Society of the State of New York May 20-22 in New York City. The gold medal, established by the late Dr. William Jarvie, is awarded every second year to a dentist who, in the opinion of the Jarvie Fellowship Committee, materially advances the art and science of dentistry.