



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

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FILE NO. S-1331

PUBLIC HEALTH:
Interpretation of Act
Allowing Giving of Amygdalin
or "Laetrile" to Terminal
Cancer Patients

Paul G. Peterson, M.D.
Director
Department of Public Health
Suite 450
535 West Jefferson Street
Springfield, Illinois 62761

Dear Dr. Peterson:

You have asked for my opinion on the interpretation of "AN ACT in relation to the drug commonly known as laetrile" (Public Act 80-1096). You state that the Act is not consistent in use of the terms "amygdalin" and "laetrile". It speaks in some places of "amygdalin, commonly known as laetrile" in others as "amygdalin (laetrile)" and at others simply as "amygdalin". You state further that "amygdalin has an accepted scientific chemical formula for which standards for composition and purity may be adopted under provisions of the Illinois Food, Drug and Cosmetic Act"

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(Ill. Rev. Stat. 1975, ch. 56 1/2, par. 501 et seq.) and that "laetrile has no such scientific chemical definition or formula for which standards of composition and purity could be adopted under the Act." [Illinois Food, Drug and Cosmetic Act.] Your precise question is "whether the language of [Public Act 80-1096] may be interpreted to exempt only amygdalin from the provisions of section 17 of the Illinois Food, Drug and Cosmetic Act (Ill. Rev. Stat. 1975, ch. 56 1/2, par. 517) or whether both amygdalin and laetrile are exempted when such are administered or used in accordance with the provisions of that Act."

In my opinion, amygdalin is exempted from the provisions of section 17 of the Illinois Food, Drug and Cosmetic Act when administered or used in accordance with Public Act 80-1096. Since that Act consistently refers to "amygdalin" or to "amygdalin (commonly known as laetrile)" laetrile is similarly exempted when its active ingredient is amygdalin and no other ingredient impairs or blocks the action of amygdalin or constitutes a new drug, or a drug not authorized to be administered or used under the Illinois Food, Drug and Cosmetic Act and any impurities are harmless.

It is a cardinal rule of statutory construction that the real intention of the General Assembly should be

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given effect and further that a statute should be construed, if possible, so that no word, clause or sentence is rendered superfluous or meaningless. In Patterson v. City of Peoria (1944), 386 Ill. 460, the Supreme Court stated:

" * * *

* * * 'The good expositor,' says Lord Coke, as quoted in Pertest v. People, 65 Ill. 230, 'makes every sentence have its operation; gives effect to every word; will not construe it so that anything shall be vain or superfluous, but so expressed that one part of the act may agree with the other, and all may stand together.' In construing statutes, courts look at the language of the whole act, and if they find in any particular clause an expression not so large and extensive in its import as those used in other parts of the act, and, upon a review of the whole, they can collect from the more large and extensive expressions used in other parts, the real intention of the legislature, it is their duty to give effect to the larger expressions. (Burke v. Monroe County, 77 Ill. 610.) The rule of construction that the enumeration of certain things implies the exclusion of all others not mentioned is to be applied only when it appears to point to the legislative intent and never to defeat the plainly indicated purpose of the lawmaking body. (Swick v. Coleman, 218 Ill. 33.) Where a statute contains an enumeration of certain things to which the act applies and also a general term or expression concerning the application of the act, the general term or expression may be given full effect if the context shows the enumeration was not intended to be exclusive. (Springer v. Government of Phillipine Islands, 277 U.S. 189, 48 S.Ct. 480, 72 L.ed.851.)
* * *

It is also a rule of construction as cited in Illinois Bell Telephone Co. v. Ames (1936), 364 Ill. at 365 that:

" * * *

* * * [T]he intention of the law-makers is to be found and given effect, and where the language of the act is obscure or its meaning doubtful, resort may be had to the title thereof to enable the court to discover the intent and make certain what is otherwise uncertain or ambiguous. * * * "

Relying on these rules of construction, it is mandatory to conclude that the General Assembly intended the Act to include the use of laetrile and not just simply amygdalin. The title of the Act refers to "the drug commonly known as laetrile". It is not limited to amygdalin. The terms laetrile and amygdalin are commonly used interchangeably. The Commissioner of the United States Food and Drug Administration, in his decision concerning laetrile defined laetrile (42 Fed. Reg. 39766, 39770) as:

"A term used interchangeably with 'Laetrile,' 'amygdalin,' 'nitriloside,' and 'vitamin B-17' (R 302, Ex. A; R 183, Att.10c). The term is also used to include a number of compounds, in which case it may appear as 'laetriles.'"

He noted also that the term is a broad or genetic term for a group of compounds of unknown number. (40 Fed. Reg. 39772.) Various court decisions have recognized that amygdalin and laetrile are used interchangeably. See Rutherford v. United States, 438 F. Supp. 1287.

Given the title of the Act, the use of the term "laetrile" in the body of the Act, and the knowledge that the

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terms amygdalin and laetrile are commonly used interchangeably, the clear intent of the General Assembly was to permit the use of laetrile in this State. Public Act 80-1096 cannot be construed to apply only to amygdalin, but must be construed in accordance with the intent of the General Assembly, to apply to laetrile as well.

Very truly yours,

A T T O R N E Y G E N E R A L