





Written by [Michael Tennant](#) on March 25, 2024

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that are between two and nearly four years old.”

“FDA has not admitted any violation of law or any wrongdoing, disagrees with the plaintiffs’ allegation that the agency exceeded its authority in issuing the statements challenged in the lawsuit, and stands by its authority to communicate with the public regarding the products it regulates,” it added.

Furthermore, the agency reiterated its belief that ivermectin has not been shown to be “effective against COVID-19” and is “not authorized or approved” for use in treating the disease.

Clearly, not everyone agrees with the FDA’s assessment. The Defender pointed out that there are “numerous studies — including studies posted on [the FDA’s] own website — showing ivermectin could be effective as an early intervention against COVID-19” and that the drug was “administered widely in several countries.”

“The FDA demonized ivermectin, which is a highly effective drug for the early treatment of COVID. The consequences of this, and what has to be clear is that this led directly to the death of millions of people,” Marik told The Defender. “So the FDA has blood on its hands.”

Why would the FDA make war on a safe, effective treatment whose discovery resulted in a Nobel Prize? [Some critics](#) have placed the blame on the agency’s determination to grant emergency-use authorization for the Covid-19 vaccines, which required there to be no other effective treatments.

“The FDA knew exactly what it was doing when it tweeted that ivermectin was for horses and that people should ‘stop it,’” Dr. Pierre Kory, president of the Front Line COVID Critical Care Alliance, told The Defender. “I hope this case will serve as precedent the next time a federal health agency steps out of its authority and tries to practice medicine.”

It’s hardly the first time the FDA has sided with Big Pharma over patients.

“Ivermectin is not an exceptional case,” independent presidential candidate [Robert F. Kennedy, Jr.](#), posted on X. “The FDA is biased against many low-cost, generic, and/or natural therapies with low profit potential. Could it be because half its funding comes from Big Pharma?”

In their lawsuit, Bowden, Marik, and Apter alleged that the FDA “acted outside of its authority, which is limited to approving drugs and drug labeling,” reported [The New American](#).

A U.S. district judge dismissed the case in 2022, claiming the FDA has “sovereign immunity” against most civil suits. The Fifth Circuit Court of Appeals, however, [overturned](#) that decision in September, declaring, “FDA is not a physician. It has authority to inform, announce, and apprise — but not to endorse, denounce, or advise.”

“Even tweet-sized doses of personalized medical advice are beyond FDA’s statutory authority,” the court contended.

Perhaps the likelihood of losing an even more protracted legal battle led the FDA to settle the case. But, whatever the reason, the result is heartening.

“While this resolution is long in coming ... it is one more building block in the edifice to stop future encroachments on the doctor-patient relationship, free expression, and the FDA’s unlawful practice of medicine,” said Apter.



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# COUNTERING COVID-19 Overreach

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